

U.S. Department of Labor Employment and Training Administration
Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



MEMORANDUM

TO: Board of Alien Labor Certification Appeals
U.S. Department of Labor
800 K Street, NW Suite 400-N
Washington, D.C. 20001-8002

FROM: William Carlson, Ph.D.
National Certifying Officer

SUBJECT: Foreign Labor Certification Appeal for
UNIVERSITY OF HAWAII, *Employer*
On behalf of YA-WEN HSIAO, Alien Beneficiary
ETA Case Number: A-10344-38244

The document(s) listed below are not available for inclusion in the administrative file:

- Employer's Response to Audit Notification letter received 02/16/2011

If this document becomes available, a supplement to the administrative file will be immediately provided to the Board of Alien Labor Certification Appeals (BALCA); the employer/employer's authorized representative (as appropriate); and the Employment and Training Legal Services (ETLS).

Application #: A-10344-38244
Employer: UNIVERSITY OF HAWAII
Foreign Worker: YA-WEN HSIAO

INDEX

<u>Pages</u>	<u>Document(s)</u>	<u>Date</u>
1-2	Transmittal Letter	04/30/2012
3-31	Employer's Request for Reconsideration	04/13/2012
32-34	DOL Denial Letter	03/23/2012
35-132	Employer's Response to Additional Audit Information Letter	03/01/2012
133-135	DOL Additional Audit Information Letter	02/28/2012
136	Employer's Response to Audit Notification Letter- Not included	02/16/2011 (Received Date)
137-140	DOL Audit Notification Letter	01/18/2011
141-152	ETA Form 9089	01/13/2011

U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



MEMORANDUM

DATE: April 30, 2012

TO: Board of Alien Labor Certification Appeals
U.S. Department of Labor
800 K Street, NW Suite 400-N
Washington, D.C. 20001-8002

FROM: William Carlson, Ph.D.
National Certifying Officer

SUBJECT: Foreign Labor Certification Appeal for
UNIVERSITY OF HAWAII, *Employer*
On behalf of YA-WEN HSIAO, *Alien Beneficiary*
ETA Case Number: A-10344-38244

Enclosed is a copy of the referenced permanent labor certification application file, which is forwarded for your review in accordance with the regulations effective March 28th, 2005.

Enclosure

CC: CC: Associate Solicitor for Employment and Training

U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



April 30, 2012

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

Dear UNIVERSITY OF HAWAII

You have requested the United States Department of Labor (Department) reconsider the decision made on the above referenced Application for Permanent Employment Certification. The employer's request did not overcome the deficiencies stated in the determination letter for the reasons provided below.

The denial notification states the employer failed to provide adequate documentation of its website advertisement which was one of the additional recruitment steps for professional occupations, as required in the Audit Notification letter. Specifically, the documentation provided is not dated nor does it contain proof that it was posted to the employer's website. In its request for reconsideration, the employer states it is providing a printout containing the URL and the print date which was not previously provided. However, Departmental regulations at 20 CFR §§ 656.24(g)(2)(i) and 656.24(g)(2)(ii) state, for applications submitted after July 16, 2007, a request for reconsideration submitted on behalf of an application may include only documentation received from the employer in response to a request from the Office of Foreign Labor Certification Certifying Officer or documentation the employer did not have an opportunity to present to the Certifying Officer, but existed at the time the application was filed. Since the employer had the opportunity to submit adequate proof of the employer's website with its audit response and failed to do so, the Certifying Officer cannot consider the documentation submitted in the reconsideration, as it was not part of the documentation on which the denial was based. Furthermore, the use of the employer's website as a recruitment medium can be documented by providing dated copies of pages from the site that advertised the occupation involved in the application in accordance with Departmental regulations at 20 CFR § 656.17(e)(1)(ii)(B). Since the employer failed to provide adequate proof of the advertisement on the employer's website in response to the audit letter, the Certifying Officer has determined this reason for denial as valid in accordance with Departmental regulations at 20 CFR § 656.17(e)(1)(ii)(B).

The denial notification states the advertisement on the employer's website contains a wage, \$3,684 month (\$44,220.80 year), which is lower than the offered wage, \$57,194.00 year listed in section G.1 of the ETA Form 9089. In its request for reconsideration, the employer states the Department's regulations at 20 CFR § 656.17(f) only applies to newspapers of general circulation or professional journals. Additionally, the employer states the salary listed was clearly labeled as "minimum" and any applicant could have inferred that they could negotiate for a higher salary. However, the employer's website is one part of the recruitment effort used by the employer to test the labor market and must therefore contain the same information required of advertisements set forth in Departmental regulations at 20 CFR § 656.17(f). Additionally, the advertisements must not contain wages and terms and conditions of employment that are less favorable than those offered to the foreign worker in accordance with Departmental regulations at 20 CFR § 656.17(f)(7). Since the advertisement on the employer's website contained a wage less than the offered wage as listed on

the ETA Form 9089, the Certifying Officer has determined this reason for denial as valid in accordance with Departmental regulations at 20 CFR § 656.17(f)(7).

Based on the above, we are forwarding your case to the Board of Alien Labor Certification Appeals (BALCA) for administrative review. Procedures for this review process can be found in the Departmental regulations at 20 CFR §§ 656.26 and 656.27. Pursuant to Departmental regulations at 20 CFR § 656.24(e)(6), when a case is pending on appeal at BALCA, an employer cannot file a new application for the same foreign worker and job opportunity. If you wish to file a new application showing changed or corrected information, you will need to withdraw your appeal.

Sincerely,

William Carlson, Ph.D.
National Certifying Officer

CC: UNIVERSITY OF HAWAII

Enclosure(s): Appeal File



UNIVERSITY
of HAWAII®
MĀNOA

April 13, 2012

U.S. Department of Labor
Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower, 233 Peachtree Street, Suite 410
Atlanta, GA 30303

APR 19 2012

RE: Request for Reconsideration under 20 CFR 656.24(g)(1)
ETA Case Number: A-10344-38244 / Alien's Name: Ya-Wen Hsiao

Dear Certifying Officer,

Under 20 CFR 656.24(g)(1), we request that you reconsider the denial of the PERM application filed by the University of Hawaii, employer, on behalf of Ya-Wen Hsiao, beneficiary. Our reasons for requesting reconsideration are explained below and the following supporting documents are enclosed:

1. Denial notice, dated March 23, 2012
2. ETA Form 9089, filed on January 13, 2011
3. Printout of University of Hawaii web ad which includes the URL and print date of August 3, 2010
4. Salary schedule, effective July 1, 2010
5. IT Point Conversion Worksheet, effective July 1, 2008
6. IT salary matrix form, effective August 31, 2000

Response to Denial Reason #1:

As a matter of University of Hawaii (UH) policy, every position being recruited is advertised on our Work at UH website (workatuh.hawaii.edu). Attached is a printout of the advertisement from the Work at UH website which contains the URL and print date of August 3, 2010 as proof that this ad was indeed posted on the University's website during the period stated in the ETA Form 9089. This particular printout was not previously provided by the UH John A. Burns School of Medicine, which conducted the recruitment, to the Office of Faculty and Scholar Immigration Services (FSIS), which handled the filing of the PERM application. Thus, only the printout of the ad without the URL and print date (due to printer settings) was available to FSIS at the time of the audit response.

Response to Denial Reason #2:

The language and structure of Sec. 656.17(e)(1)(ii), "Additional recruitment steps," indicates that ads placed under this section do not need to meet the requirements of Sec. 656.17(f)(7).

The denial notice states that the Certifying Officer relied upon what he perceived to be inadequate evidence of an ad posting on the UH website to determine that the University was putting forth a "wage...less favorable than [that] offered to the alien" (20 CFR 656.17(f)(7)). We respectfully contend, though, that Sec. 656.17(f)(7) only applies to "advertisements placed in **newspapers of general circulation or in professional journals**" (emphasis added). The requirements for "advertisements in newspapers or professional journals" are described in Sec. 656.17(e)(1)(i)(B); this section includes a provision, 656.17(e)(1)(i)(B)(3), specifying that the "advertisements must satisfy the requirements of paragraph (f) of this section" – paragraph (f) contains the clause that an ad may not contain a less favorable wage than the one offered to the alien.

However, the requirement of satisfying paragraph (f) is unmistakably omitted from the "additional recruitment steps" section at 656.17(e)(1)(ii). The Sec. 656.17(f)(7) requirement should therefore not be applied to advertisements which fall under Sec. 656.17(e)(1)(ii), including an ad on the "employer's web site" (656.17(e)(1)(ii)(B)). The newspaper advertisements that were placed and which are not in dispute did not contain a salary amount and a professional journal was not used as a recruitment source. Thus, based on the language

Request for Reconsideration
ETA Case Number: A-10344-38244
Page 2

and structure of Sec. 656.17(e) and 656.17(f), it would appear that the Certifying Officer improperly applied the requirements of 656.17(f)(7) to 656.17(e)(1)(ii).

The salary in the Work at UH ad was clearly labeled "minimum"; any applicant could have inferred that they could negotiate for a higher salary.

Even if Sec. 656.17(f)(7) can be applied to advertisements under 656.17(e)(1)(ii), the University clearly indicated in the ad that the salary included in the Work at UH advertisement was a "minimum" amount. Any applicant would have been immediately apprised of this fact upon even a cursory glance at the ad. Since it was specified that this salary was the starting point from which a successful applicant could negotiate, the University was not attempting to offer the foreign national a more favorable wage than it would to an equally or better qualified or applicant. (Although, as the recruitment report, which was submitted with our audit response, demonstrates, there were no other applicants who were qualified for the position.) As such, the inclusion of "minimum" would have signaled prospective applicants, and particularly U.S. workers, who are familiar with the U.S. labor market norm of negotiation for a higher salary at hiring, that it was certainly possible to obtain an increased offer if selected for the position.

University IT Specialist positions are classified as Administrative, Professional, and Technical (APT) positions, which are covered by a collective bargaining agreement that contains salary schedules.

At the time of the original posting of the position, all University APT positions were advertised on the Work at UH job posting website stating only the minimum salary per the collective bargaining agreement between the University of Hawaii and the Hawaii Government Employees Association (HGEA). The IT Specialist position described in the ETA Form 9089 is a Pay Band B position with a possible salary range from \$42,492 per year through \$107,748 per year. The details of the salary ranges are available to the public on the University Office of Human Resources website for the APT Broadband System (www.hawaii.edu/ohr/projects/projects.html) under the "Information Technology Point Conversion Worksheet" (attached and available at www.hawaii.edu/ohr/download/salsched/it708.pdf). Information on the salary computation method is also available on the Broadband System website.

In the process of creating the Work at UH website posting for this position, the Broadband System automatically determined the minimum salary for the position at Step 3 of Pay Band B, which is the reason the minimum salary stated in the Work at UH ad was \$44,208 per year. These salary schedules have always been posted in the public domain on the University's Office of Human Resources website (www.hawaii.edu/ohr) for any prospective applicant to view. The attached the salary schedule has been in effect since July 1, 2010 and the attached IT Point Conversion Worksheet has been in effect since July 1, 2008. Neither document was requested in the January 18, 2011 audit notice.

As a standard practice, the University utilizes a qualifications-based salary matrix to determine salary offers for IT Specialists; applicants are routinely offered more than the minimum salaries in the ads.

The determination of a salary offer has always been based on the experience and qualifications of the selectee. After selecting a candidate for an IT Specialist position, the hiring unit must utilize the "IT Salary recommendation" form (IT Salary Matrix, August 31, 2000 revision) to determine the salary placement. Unlike other University APT positions, all IT position salaries are determined using the process described below. This salary determination form is available from the open-access UH Human Resources website under "Information Technology Salary Matrix" (attached and available at www.hawaii.edu/ohr/bor/forms/ITSalaryMatrix.pdf). This document was not requested in the January 18, 2011 audit notice.

Request for Reconsideration
ETA Case Number: A-10344-38244
Page 3

The matrix is scored in three (3) sections with the total point score used to determine the starting salary for the position. Based on "Education Level", "Relevant Experience", and "Qualitative Assessment of Relevant Experience" a candidate's Designated New Hire Rate is computed. Although there is an additional section that can be used to request exceptional compensation above the designated new hire rate, no such request was made for Ms. Hsiao. The criteria for scoring each section are listed on the form, with the guidelines for the "Qualitative Assessment of Relevant Experience" being available on a separate website page.

Once the candidate has been scored and the entire IT Salary Matrix form has been completed and approved by the unit, it requires approval from the unit's Human Resources department and the Director/Dean. Once approved by the local Unit/Department/School, it is forwarded to the University of Hawaii at Manoa's Chancellor's Office where it is further reviewed. It will then be forwarded to an IT Review Committee, comprised of IT professionals who review the recommendation and can concur, reject or revise the hiring rate based on their evaluation of the documentation. The IT Review Committee submits their recommendation of the salary rate submitted to the University of Hawaii at Manoa Chancellor for final approval. The Chancellor's Office then communicates the final salary rate to the local Human Resources Department, in this case the Human Resources Department for the John A. Burns School of Medicine. At that time, an official offer can be made to the candidate by the hiring unit's Dean/Director.

The offered salary was available to other applicants on the notice of filing.

Finally, as required by 20 CFR 656.10(d)(3), the notice of filing sent to the Hawaii Government Employees Association, which is the collective bargaining representative, instructs potential applicants for the position to report to the University of Hawaii John A. Burns School of Medicine Human Resources office and pursuant to Sec. 656.10(d)(4), the notice contains the offered rate of pay. The notice of filing, ETA Form 9089, and advertisements remained with HGEA for longer than the 30 days minimally required by Sec. 656.10(d)(3)(iv). Altogether, this means any applicant, through HGEA, had over one month to review the PERM application and become aware of the offered rate of pay.

In light of our responses and documentation provided here, we request that you reconsider your previous decision and instead grant certification for this PERM application. Please contact me if you require additional information. Thank you for your attention to this matter.

Sincerely,



Signe Nakayama
Immigration Specialist

U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



March 23, 2012

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration
Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

Dear UNIVERSITY OF HAWAII

The Department of Labor has made a determination on your Application for Permanent Employment Certification (Form ETA 9089) in accordance with the Department's regulations at 20 CFR § 656.24 and as required by the Immigration and Nationality Act (INA), as amended. **Form ETA 9089 has not been certified.** A certification cannot be issued as required by Section 212(a)(5)(A) of the INA, as amended. The reasons for denial are outlined in the attachment "Reasons for Denial". A request for review of this denial may be made to the Board of Alien Labor Certification Appeals (BALCA) by the employer. When seeking review of this determination, the request must be in accordance with the following:

- The request for review must be in writing;
- The request must clearly identify the particular labor certification determination from which review is sought;
- The request must set forth the particular grounds for the request;
- The request must include all the documents that accompany this Final Determination form;
- The request for review, statements, briefs, and other submissions of the parties and amicus curiae must contain only legal arguments and only such evidence that was within the record upon which the denial of the labor certification was based; and
- The request must be mailed to the attention of the Office of Foreign Labor Certification Certifying Officer who denied the application within **30 calendar days** of the date of this determination.

If this application was denied because it was incomplete or because the employer did not submit documentation requested by the Certifying Officer to finalize review of the application by the date specified, the failure to provide the requested documentation in a timely manner constitutes refusal to exhaust available administrative remedies and the employer cannot request review of this denial with BALCA as outlined in §656.26.

Failure to request review within 30 calendar days, as specified in §656.26, constitutes a failure to exhaust administrative remedies. If a request for review is not made within 30 calendar days, the denial shall become the final determination of the Secretary. If an application for a labor certification is denied, and a request for review is not made in accordance with the procedures at §656.26(a) and (b), a new application may be filed. *A new application in the same occupation for the same alien cannot be filed while a request for review is pending with the Board of Alien Labor Certification Appeals.* Reconsideration may be requested any time within 30 days from the date of issuance of this denial. The Certifying Officer may, in his or her complete discretion, reconsider the determination or treat it as a request for review under §656.26(a).

Sincerely,

William Carlson, Ph.D.
National Certifying Officer

CC: UNIVERSITY OF HAWAII
Enclosure: Reasons for Denial

Reasons for Denial

Case # A-10344-38244

Your Application for Permanent Employment Certification was not certified due to the following:

Denial Reason #1:

The employer failed to provide adequate documentation of the additional recruitment steps for professional occupations as required in the Audit Notification letter. The employer indicated in Item I.d.15 of ETA Form 9089 that it used its web site to advertise the job opportunity described in Section H. The employer also provided a document which looks to be a word document that is title, "Work at UH Advertisement." The document does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website. The employer failed to provide dated copies of the pages from the site that advertised the job opportunity.

AUTHORITY FOR DENIAL: Departmental regulations at 20 CFR § 656.17(e)(1)(ii)(B), states: "The use of the employer's web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application."

Denial Reason #2:

The documentation provided by the employer as proof of the employer's website offers terms and conditions of employment that are less favorable than those offered to the foreign worker. Specifically, the advertisement contains a wage of \$3,684 per month, \$44,220.80 per year which is lower than the offered wage, \$57,194.00 per year listed in section G.1 on the ETA Form 9089.

AUTHORITY FOR DENIAL: In accordance with the Department's regulations at 20 CFR § 656.17(f)(7), advertisements placed in newspapers of general circulation or in professional journals must "not contain wages or terms and conditions of employment that are less favorable than those offered to the alien."

The employer is reminded that, as an alternative to filing an appeal, i.e., either a request for reconsideration, in accordance with the Department's regulations at 20 CFR § 656.24, or request for review, in accordance with the Department's regulations at § 656.26, it may correct the deficiencies as outlined in the denial and submit a new application to the Atlanta National Processing Center for review.

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

REC'D MAR 28 2012

Work at UH Advertisement

Title: Information Technology (Educational Technology Specialist)
Position Number: 0078233
Hiring Unit: John A. Burns School of Medicine
Location: Kakaako
Date Posted: August 02, 2010
Closing Date: August 17, 2010
Band: B
Minimum Monthly Salary: Band B: \$3,684
Full Time/Part Time: Full Time
Temporary/Permanent: Permanent
Other Conditions: General funds, to begin approximately Sept 2010, subject to position clearance.

Duties and Responsibilities:

Develops medical education and administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment.

System Administration: manages & administers applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management.

Designs, implements & integrates subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP.

Tests & debugs systems of medium to high complexity for a distributed computing environment.

Mobile Devices: provides application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations.

Prepares written technical documentation for systems of medium to high complexity.

Generates materials & conducts training for end-users including faculty, staff, & students on use of software, web applications, PDAs, Databases, etc.

Database Management: Designs, develops, implements & maintains databases supporting student education & curriculum administration.

Database Management: supports statistical analysis & data management of exam responses, survey questions, course materials, and curriculum map.

Keeps abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations.

Identifies technologies applicable to or of potential use to JABSOM; acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies.

Assists users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution; also, provides technical consulting on the implementation & application of selected solutions.

Integrates IT skills and knowledges in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM.

Other duties as assigned

Minimum Qualifications:

Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.

Considerable working knowledge of the use of computers for teaching, training and /or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.

Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).

Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluation, integrate, and implement practical and thorough solutions in an effective and timely manner.

Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.

Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.

For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.

Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.

Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.

Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.

Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.

Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.

Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

Desirable Qualifications:

Knowledge of medical education or curriculum management.

Knowledge of troubleshooting procedures & practices for hardware, software, & connectivity in a distributed computing environment.

Considerable knowledge of hand held devices including iPhone, Palm, WindowsMobile, and Smart Phones & their software applications.

Knowledge of student financial accounting and human resource information systems.

To Apply: Submit cover letter indicating how you satisfy the minimum and desirable qualifications, UH Form 64 (standard format) (large format), resume, names of 3 professional references which include phone numbers and email addresses and official transcripts (copies accepted, however originals required upon hire) to the address below.

Address: Lori Chau
UH, John A. Burns School of Medicine
Office of Medical Education
651 Ilalo Street, Medical Education Bldg., 3rd Floor
Honolulu, HI 96813

Inquiries: Dr. Damon Sakai; 808-692-1001

The University of Hawaii is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, gender identity and expression, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).

Employment is contingent on satisfying employment eligibility verification requirements of the Immigration Reform and Control Act of 1986; reference checks of previous employers; and for certain positions, criminal history record checks.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawaii may be viewed at: <http://ope.ed.gov/security/>, or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.

In accordance with Article 10A of the unit 08 collective bargaining agreement, bargaining unit members receive priority consideration for APT job vacancies. As a result, external or non BU 08 applicants may not be considered for some APT vacancies. BU 08 members with re-employment rights or priority status are responsible for informing the hiring unit of their status.

SALARY SCHEDULE
ADMINISTRATIVE, PROFESSIONAL AND TECHNICAL (APT)
(EXCLUDING COACHES)
11 MONTH - Effective 07-01-2010

STEPS 1 - 24

	Step 1N	Step 2N	Step 3N	Step 4N	Step 5N	Step 6N	Step 7N	Step 8N	Step 9N	Step 10N	Step 11N	Step 12N	Step 13N	Step 14N	Step 15N	Step 16N	Step 17N	Step 18N	Step 19N	Step 20N	Step 21N	Step 22N	Step 23N	Step 24N
A ANNUAL MONTHLY	34,848 2,904	35,544 2,962	36,252 3,021	36,984 3,082	37,728 3,144	38,472 3,206	39,252 3,271	40,032 3,336	40,836 3,403	41,652 3,471	42,492 3,541	43,344 3,612	44,208 3,684	45,096 3,758	45,996 3,833	46,920 3,910	47,856 3,988	48,816 4,068	49,800 4,150	50,784 4,232	51,804 4,317	52,836 4,403	53,904 4,492	54,984 4,582
B ANNUAL MONTHLY	42,492 3,541	43,344 3,612	44,208 3,684	45,096 3,758	45,996 3,833	46,920 3,910	47,856 3,988	48,816 4,068	49,800 4,150	50,784 4,232	51,804 4,317	52,836 4,403	53,904 4,492	54,984 4,582	56,076 4,673	57,192 4,766	58,332 4,861	59,496 4,958	60,684 5,057	61,896 5,158	63,132 5,261	64,404 5,367	65,688 5,474	66,996 5,583
C ANNUAL MONTHLY	51,804 4,317	52,836 4,403	53,904 4,492	54,984 4,582	56,076 4,673	57,192 4,766	58,332 4,861	59,496 4,958	60,684 5,057	61,896 5,158	63,132 5,261	64,404 5,367	65,688 5,474	66,996 5,583	68,340 5,695	69,708 5,809	71,100 5,925	72,528 6,044	73,980 6,165	75,456 6,288	76,956 6,413	78,504 6,542	80,076 6,673	81,672 6,806
D ANNUAL MONTHLY	56,076 4,673	57,192 4,766	58,332 4,861	59,496 4,958	60,684 5,057	61,896 5,158	63,132 5,261	64,404 5,367	65,688 5,474	66,996 5,583	68,340 5,695	69,708 5,809	71,100 5,925	72,528 6,044	73,980 6,165	75,456 6,288	76,956 6,413	78,504 6,542	80,076 6,673	81,672 6,806	83,304 6,942	84,960 7,080	86,664 7,222	88,392 7,366

STEPS 25 - 48

	Step 25N	Step 26N	Step 27N	Step 28N	Step 29N	Step 30N	Step 31N	Step 32N	Step 33N	Step 34N	Step 35N	Step 36N	Step 37N	Step 38N	Step 39N	Step 40N	Step 41N	Step 42N	Step 43N	Step 44N	Step 45N	Step 46N	Step 47N	Step 48N
A ANNUAL MONTHLY	56,076 4,673	57,192 4,766	58,332 4,861	59,496 4,958	60,684 5,057	61,896 5,158	63,132 5,261	64,404 5,367	65,688 5,474	66,996 5,583	68,340 5,695	69,708 5,809	71,100 5,925	72,528 6,044	73,980 6,165	75,456 6,288	76,956 6,413	78,504 6,542	80,076 6,673	81,672 6,806	83,304 6,942	84,960 7,080	86,664 7,222	88,392 7,366
B ANNUAL MONTHLY	68,340 5,695	69,708 5,809	71,100 5,925	72,528 6,044	73,980 6,165	75,456 6,288	76,956 6,413	78,504 6,542	80,076 6,673	81,672 6,806	83,304 6,942	84,960 7,080	86,664 7,222	88,392 7,366	90,168 7,514	91,968 7,664	93,804 7,817	95,676 7,973	97,596 8,133	99,540 8,295	101,544 8,462	103,572 8,631	105,648 8,804	107,748 8,979
C ANNUAL MONTHLY	83,304 6,942	84,960 7,080	86,664 7,222	88,392 7,366	90,168 7,514	91,968 7,664	93,804 7,817	95,676 7,973	97,596 8,133	99,540 8,295	101,544 8,462	103,572 8,631	105,648 8,804	107,748 8,979	109,908 9,159	112,104 9,342	114,348 9,529	116,640 9,720	118,980 9,915	121,368 10,114	123,792 10,316	126,264 10,522	128,796 10,733	131,376 10,948
D ANNUAL MONTHLY	90,168 7,514	91,968 7,664	93,804 7,817	95,676 7,973	97,596 8,133	99,540 8,295	101,544 8,462	103,572 8,631	105,648 8,804	107,748 8,979	109,908 9,159	112,104 9,342	114,348 9,529	116,640 9,720	118,980 9,915	121,368 10,114	123,792 10,316	126,264 10,522	128,796 10,733	131,376 10,948				

The attached Information Technology Point Conversion Worksheet references the Bargaining Unit 8 salary schedule effective 07/01/08. The step designation on the worksheet should continue to be used to determine the appropriate salaries for the 11/01/2009 and 07/01/2010 salary schedules based on the computed points.

Information Technology Point Conversion Worksheet Effective 07-01-08

BAND A				BAND B				BAND C				BAND D			
Step	Points	Annual	Monthly	Step	Points	Annual	Monthly	Step	Points	Annual	Monthly	Step	Points	Annual	Monthly
1		36684	3057	1		44724	3727	1		54528	4544	1		59028	4919
2		37416	3118	2		45624	3802	2	0-1	55620	4635	2		60204	5017
3		38160	3180	3	0-1	46536	3878	3	2-3	56736	4728	3		61404	5117
4		38928	3244	4	2-3	47472	3956	4	4-5	57876	4823	4		62628	5219
5	0-1	39708	3309	5	4-5	48420	4035	5	6	59028	4919	5		63876	5323
6	2-3	40500	3375	6	6	49392	4116	6	7	60204	5017	6		65148	5429
7	4-5	41316	3443	7	7	50376	4198	7	8	61404	5117	7		66456	5538
8	6	42144	3512	8	8	51384	4282	8	9	62628	5219	8		67788	5649
9	7	42984	3582	9	9	52416	4368	9	10	63876	5323	9		69144	5762
10	8	43848	3654	10	10	53460	4455	10	11	65148	5429	10		70524	5877
11	9	44724	3727	11	11	54528	4544	11	12	66456	5538	11		71940	5995
12	10	45624	3802	12	12	55620	4635	12	13	67788	5649	12		73380	6115
13	11	46536	3878	13	13	56736	4728	13	14	69144	5762	13	0-1	74844	6237
14	12	47472	3956	14	14	57876	4823	14	15	70524	5877	14	2-3	76344	6362
15	13	48420	4035	15	15	59028	4919	15	16	71940	5995	15	4-5	77868	6489
16	14	49392	4116	16	16	60204	5017	16	17	73380	6115	16	6	79428	6619
17	15	50376	4198	17	17	61404	5117	17	18	74844	6237	17	7	81012	6751
18	16	51384	4282	18	18	62628	5219	18	19	76344	6362	18	8	82632	6886
19	17	52416	4368	19	19	63876	5323	19	20	77868	6489	19	9	84288	7024
20	18	53460	4455	20	20	65148	5429	20	21	79428	6619	20	10	85968	7164
21	19	54528	4544	21	21	66456	5538	21	22	81012	6751	21	11	87684	7307
22	20	55620	4635	22	22	67788	5649	22	23	82632	6886	22	12	89436	7453
23	21	56736	4728	23	23	69144	5762	23	24	84288	7024	23	13	91224	7602
24	22	57876	4823	24	24	70524	5877	24	25	85968	7164	24	14	93048	7754
25	23	59028	4919	25	25	71940	5995	25	26	87684	7307	25	15	94908	7909
26	24	60204	5017	26	26	73380	6115	26	27	89436	7453	26	16	96804	8067
27	25	61404	5117	27	27	74844	6237	27	28	91224	7602	27	17	98736	8228
28	26	62628	5219	28	28	76344	6362	28	29	93048	7754	28	18	100716	8393
29	27	63876	5323	29	29	77868	6489	29	30	94908	7909	29	19	102732	8561
30	28	65148	5429	30	30	79428	6619	30	31	96804	8067	30	20	104784	8732
31	29	66456	5538	31	31	81012	6751	31	32	98736	8228	31	21	106884	8907
32	30	67788	5649	32	32	82632	6886	32	33	100716	8393	32	22	109020	9085
33	31	69144	5762	33	33	84288	7024	33	34	102732	8561	33	23	111204	9267
34	32	70524	5877	34	34	85968	7164	34	35	104784	8732	34	24	113424	9452
35	33	71940	5995	35	35	87684	7307	35	36	106884	8907	35	25	115692	9641
36	34	73380	6115	36	36	89436	7453	36	37	109020	9085	36	26	118008	9834
37	35	74844	6237	37	37	91224	7602	37	38	111204	9267	37	27	120372	10031
38	36	76344	6362	38	38	93048	7754	38	39	113424	9452	38	28	122784	10232
39	37	77868	6489	39	39	94908	7909	39	40	115692	9641	39	29	125244	10437
40	38	79428	6619	40	40	96804	8067	40	41	118008	9834	40	30	127752	10646
41	39	81012	6751	41	41	98736	8228	41	42	120372	10031	41	31	130308	10859
42	40	82632	6886	42	42	100716	8393	42	43	122784	10232	42	32	132912	11076
43	41	84288	7024	43	43	102732	8561	43	44	125244	10437	43	33	135576	11298
44	42	85968	7164	44	44	104784	8732	44	45	127752	10646	44	34	138288	11524
45	43	87684	7307	45	45	106884	8907	45	46	130308	10859				
46	44	89436	7453	46	46	109020	9085	46	47	132912	11076				
47	45	91224	7602	47	47	111204	9267	47	48	135576	11298				
48	46	93048	7754	48	48	113424	9452	48	49	138288	11524				

NOTE: Steps marked in a box represent the Designated New Hire Rate (DNHR).

Do not use steps below this DNHR for IT professionals.

* In accordance with step designations indicated on BU08 Salary Schedule 11-Month effective 07-01-08

o:\ssa\salsched\lapt it 07-01-08 Point conversion w steps.xls

IT Salary Recommendation (IT salary matrix)

Applicant/Employee Name: _____ Position No.: _____ Band: _____

Career Group: Information Technology College/Office: _____

☐ New Hire ☐ Promotion ☐ Transfer ☐ Demotion ☐ Other (not including Reallocation) _____

Section I - Initial Salary Placement Determination (To be completed by supervisor after completing Section IV - Assessment of Pertinent Credentials, and Section V - Request for Exception Beyond Salary Placement Determination, if appropriate)

SUMMARY OF SECTION IV POINTS

A. Educational Level _____	1. SALARY DETERMINATION (monthly): \$ _____ (From Salary Matrix Point Conversion Worksheet, based on Section IV)
B. Relevant Experience _____	2. REQUEST FOR EXCEPTION BEYOND SALARY DETERMINATION, IF APPROPRIATE: \$ _____ (From Section V)
C. Qualitative Assessment of Relevant Experience _____	3. RECOMMENDED SALARY DETERMINATION: (monthly TOTAL) \$ _____ (This amount, the sum of 1 and 2 above, must correspond with a "step" in the respective pay band)
TOTAL POINTS _____	

Note: The recommended salary determination shall be based on an accurate assessment of an individual's pertinent credentials. The VP/Chancellor shall determine the final salary, in consideration of the established compensation adjustment rules.

Supervisor Certification: I certify that the recommended monthly salary is based on all relevant information provided by the applicant/employee or available in the personnel file and that the assessment process has been discussed with the applicant/employee.

Supervisor's Name and Position No. _____ Signature _____ Date _____

Section II - Dean/Director Review and Recommendation - If the salary placement and/or Request for Exception Beyond Salary Placement Determination is being approved with changes, please provide substantive justification and amended information below. The recommended salary determination shall be based on an accurate assessment of an individual's pertinent credentials. The VP/Chancellor shall determine the final salary, in consideration of the established compensation adjustment rules.

A. RECOMMENDATION	
<input type="checkbox"/> Recommend (✓ and sign in box C, below)	<input type="checkbox"/> Recommend w/ Changes (✓, provide amended information in box B and sign in box C, below)
B. AMENDED INFORMATION (To be completed by the Dean/Director if "recommending w/ changes.")	
1. SUMMARY OF SECTION IV POINTS Justification:	
A. Educational Level _____	
B. Relevant Experience _____	
C. Qualitative Assessment of Relevant Experience _____	
AMENDED TOTAL POINTS _____	
AMENDED MONTHLY SALARY _____	\$ _____
2. SECTION V - REQUEST FOR EXCEPTION (if appropriate)	
Amended Additional Amount _____	\$ _____
3. AMENDED TOTAL MONTHLY SALARY DETERMINATION \$ _____ (This amended amount, the sum of 1 and 2 above, must correspond with a "step" in the respective pay band)	
C. SIGNATURE Dean/Director: _____ Date: _____	

Section III – VP/Chancellor Approval/Disapproval - *If the salary placement and/or Request for Exception Beyond Salary Placement Determination is being approved with changes, please provide substantive justification and amended information below.*

A. APPROVAL/DISAPPROVAL <input type="checkbox"/> Approved (✓ and sign in box C, below) <input type="checkbox"/> Approved w/ Changes (✓, provide amended information in box B and sign in box C, below) <input type="checkbox"/> Disapproved (Ó and sign in box C, below)		
B. AMENDED INFORMATION (To be completed by the VP/Chancellor Review Committee if "recommending w/ changes.")		
1. SUMMARY OF SECTION IV POINTS	Justification:	
A. Educational Level _____		
B. Relevant Experience _____		
C. Qualitative Assessment of Relevant Experience _____		
AMENDED TOTAL POINTS _____		
AMENDED MONTHLY SALARY	\$ _____	
2. SECTION V - REQUEST FOR EXCEPTION (if appropriate)		
Amended Additional Amount	\$ _____	
3. AMENDED TOTAL MONTHLY SALARY DETERMINATION \$ _____ (This amended amount, the sum of 1 and 2 above, must correspond with a "step" in the respective pay band)		
C. SIGNATURE VP/Chancellor: _____ Date: _____		

Section IV continued on next page

Section IV - Salary Matrix -The assessment of pertinent credentials is to be completed by the supervisor utilizing the APT Application (UH Form 64), Resume/Vita and/or other appropriate documentation to conduct an assessment of the applicant/employee's pertinent credentials. The recommended salary determination shall be based on an accurate assessment of an individual's pertinent credentials. The VP/Chancellor shall determine the final salary, in consideration of the established compensation adjustment rules. Upon completion of Section IV, the supervisor shall complete Section I, "Summary of Section IV."

A. Educational Level - Assign points (not cumulative) based on the applicant/employee's highest level of relevant education, relevant college-level course work and/or formally recognized, industry based certification relevant to the position.

- ☐ Relevant, formally recognized, industry based certification(s) 1 point
- ☐ Four (4) relevant college-level courses (100 level to 299 level) 1 point
- ☐ Four (4) relevant college-level upper division courses (300 level and above) 2 points
- ☐ Associate Degree relevant to the field of assignment 2 points
- ☐ Bachelor's Degree relevant to the field of assignment 4 points
- ☐ Master's Degree relevant to the field of assignment 5 points
- ☐ Doctorate relevant to the field of assignment 6 points

Degree: _____ Major: _____

Certification: 1) _____ 2) _____ 3) _____

Course Title
& Level: 1) _____ 2) _____
3) _____ 4) _____

Point Spread: 0 - 6

EDUCATIONAL LEVEL - TOTAL POINTS: _____

B. Relevant Experience - State the applicant/employee's years & months of relevant experience and award points as appropriate.

Relevant Experience of Applicant/Employee : Years: _____ Months: _____

Experience	Points	Experience	Points
Less than one (1) year	0	Less than six (6) years	6
Less than two (2) years	2	Less than seven (7) years	7
Less than three (3) years	3	Less than eight (8) years	8
Less than four (4) years	4	Less than nine (9) years	9
Less than five (5) years	5	Nine (9) or more years	10

Point Spread: 0 - 10

RELEVANT EXPERIENCE - TOTAL POINTS: _____

- C. Qualitative Assessment of Relevant Experience** - Assign points based on the applicant/employee's quality of relevant experience in terms of functional diversity, complexity and integration, and the overall relevancy of the experience when compared to the job at hand. (See "Qualitative Assessment of Relative Experience" guidelines)

Justification (this section must be completed):

Point Spread: 0 - 12 QUALITATIVE ASSESSMENT OF RELEVANT EXPERIENCE - TOTAL POINTS: _____

Note: Upon completion of Section IV, the supervisor shall complete Section I - "Summary of Section IV" and compute total points to determine salary placement.

Section V - Request for Exception Beyond Salary Placement Determination - To be completed by the supervisor, in appropriately justified situations where it is determined that the salary placement determination does not adequately compensate the applicant/employee's credentials as evidenced by appropriate documentation. Upon completion of Section V, the supervisor shall complete Section I - 2, as appropriate.

Justification - Consider factors such as comparable positions in the University, comparable positions in the industry, value of the job in the industry, degree of specialization, need of the University, overall benefit to the work unit and/or University, etc.

Recommended Additional Amount Beyond Salary Placement Determination	Monthly Exception
This is the recommended additional amount beyond the Salary Placement Determination (Section I - 1) resulting from the Salary Matrix Point Conversion Worksheet, based on Section IV. This recommended additional amount (Section I - 2), when added to the Salary Placement Determination, must correspond with a "step" in the respective pay band.	\$

Note: Upon completion of Section V, the supervisor shall complete Section I - 2 and compute the total recommended salary amount (Section I - 3), as appropriate.

(IT Form - SR)

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor

Please read and review the filing instructions before completing this form. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Employing or continuing to employ an alien unauthorized to work in the United States is illegal and may subject the employer to criminal prosecution, civil money penalties, or both.

A. Refiling Instructions

1. Are you seeking to utilize the filing date from a previously submitted Application for Alien Employment Certification (ETA 750)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1-A. If Yes, enter the previous filing date		
1-B. Indicate the previous SWA or local office case number OR if not available, specify state where case was originally filed:		

B. Schedule A or Sheepherder Information

1. Is this application in support of a Schedule A or Sheepherder Occupation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If Yes, do NOT send this application to the Department of Labor. All applications in support of Schedule A or Sheepherder Occupations must be sent directly to the appropriate Department of Homeland Security office.		

C. Employer Information (Headquarters or Main Office)

1. Employer's name UNIVERSITY OF HAWAII			
2. Address 1 FACULTY & SCHOLAR IMMIGRATION SERVICES			
Address 2 2565 MCCARTHY MALL, PSB 106			
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96822
4. Phone number (808) 956-6374		Extension	
5. Number of employees 8900		6. Year commenced business 1907	
7. FEIN(Federal Employer Identification Number) 996000354		8. NAICS Code 611310	
9. Is the employer a closely held corporation, partnership, or sole proprietorship in which the alien has an ownership interest, or is there a familial relationship between the owners, stockholders, partners, corporate officers, incorporators, and the alien?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

D. Employer Contact Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Contact's last name Nakayama	First name Signe	Middle initial
2. Address 1 Faculty & Scholar Immigration Services		
Address 2 2565 McCarthy Mall, PSB 105		
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA
4. Phone number (808) 956-0935	Extension	
5. E-mail address signen@hawaii.edu		

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**E. Agent or Attorney Information (If applicable)**

1. Agent or attorney's last name	First name	Middle initial
2. Firm name		
3. Firm EIN	4. Phone number	Extension
5. Address 1		
Address 2		
6. City	State/Province	Country
Postal code		
7. E-mail address		

F. Prevailing Wage Information (as provided by the State Workforce Agency)

1. Prevailing wage tracking number (if applicable) P10010244371217	2. SOC/O*NET(OES) code 15-1034.00
3. Occupation Title Computer Software Engineers, Applications, Non	4. Skill Level
5. Prevailing wage Per: (Choose only one) \$ 44,208.00 <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES <input checked="" type="checkbox"/> CBA <input type="checkbox"/> Employer Conducted Survey <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
6-A. If Other is indicated in question 6, specify:	
7. Determination date 09/30/2010	8. Expiration date 07/01/2011

G. Wage Offer Information

1. Offered wage From: \$ 57,194.00 To: (Optional) \$	Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
---	--

H. Job Opportunity Information (Where work will be performed)

1. Primary worksite (where work is to be performed) address 1 University of Hawaii at Manoa		
Address 2 John A. Burns School of Medicine, 651 Ilalo Street		
2. City Honolulu	State HI	Postal code 96813
3. Job title Information Technology Specialist (Educational Technology Specialist)		
4. Education: minimum level required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input checked="" type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		
4-A. If Other is indicated in question 4, specify the education required:		
4-B. Major field of study Management Information Systems		
5. Is training required in the job opportunity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		5-A. If Yes, number of months of training required:

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



H. Job Opportunity Information Continued

5-B. Indicate the field of training:	
6. Is experience in the job offered required for the job? 6-A. If Yes, number of months experience required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Is there an alternate field of study that is acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7-A. If Yes, specify the major field of study: Information Systems, Computer Sci, Project Mgmt, Electrical Engineering; s	
8. Is there an alternate combination of education and experience that is acceptable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8-A. If Yes, specify the alternate level of education required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other	
8-B. If Other is indicated in question 8-A, indicate the alternate level of education required:	
8-C. If applicable, indicate the number of years experience acceptable in question 8:	
9. Is a foreign educational equivalent acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Is experience in an alternate occupation acceptable? 10-A. If Yes, number of months experience in alternate occupation required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10-B. Identify the job title of the acceptable alternate occupation:	
11. Job duties – If submitting by mail, add attachment if necessary. Job duties description must begin in this space. See Attachment	
12. Are the job opportunity's requirements normal for the occupation? <i>If the answer to this question is No, the employer must be prepared to provide documentation demonstrating that the job requirements are supported by business necessity.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Is knowledge of a foreign language required to perform the job duties? <i>If the answer to this question is Yes, the employer must be prepared to provide documentation demonstrating that the language requirements are supported by business necessity.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Specific skills or other requirements – If submitting by mail, add attachment if necessary. Skills description must begin in this space. See Attachment	

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**H. Job Opportunity Information Continued**

15. Does this application involve a job opportunity that includes a combination of occupations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
16. Is the position identified in this application being offered to the alien identified in Section J?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
17. Does the job require the alien to live on the employer's premises?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Is the application for a live-in household domestic service worker?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18-A. If Yes, have the employer and the alien executed the required employment contract and has the employer provided a copy of the contract to the alien?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

I. Recruitment Information**a. Occupation Type – All must complete this section.**

1. Is this application for a professional occupation , other than a college or university teacher? Professional occupations are those for which a bachelor's degree (or equivalent) is normally required.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is this application for a college or university teacher? If Yes, complete questions 2-A and 2-B below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2-A. Did you select the candidate using a competitive recruitment and selection process?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2-B. Did you use the basic recruitment process for professional occupations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

b. Special Recruitment and Documentation Procedures for College and University Teachers – Complete only if the answer to question I.a.2-A is Yes.

3. Date alien selected:
4. Name and date of national professional journal in which advertisement was placed:
5. Specify additional recruitment information in this space. Add an attachment if necessary.

c. Professional/Non-Professional Information – Complete this section unless your answer to question B.1 or I.a.2-A is YES.

6. Start date for the SWA job order 08/04/2010	7. End date for the SWA job order 09/03/2010
8. Is there a Sunday edition of the newspaper in the area of intended employment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Name of newspaper (of general circulation) in which the first advertisement was placed: Honolulu Star-Advertiser	
10. Date of first advertisement identified in question 9: 08/08/2010	
11. Name of newspaper or professional journal (if applicable) in which second advertisement was placed: Honolulu Star-Advertiser	
<input checked="" type="checkbox"/> Newspaper <input type="checkbox"/> Journal	

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**I. Recruitment Information Continued**12. Date of second newspaper advertisement or date of publication of journal identified in question 11:
08/15/2010**d. Professional Recruitment Information – Complete if the answer to question I.a.1 is YES or if the answer to I.a.2-B is YES. Complete at least 3 of the items.**

13. Dates advertised at job fair From: To:	14. Dates of on-campus recruiting From: To:
15. Dates posted on employer web site From: 08/02/2010 To: 09/04/2010	16. Dates advertised with trade or professional organization From: To:
17. Dates listed with job search web site From: 08/05/2010 To: 09/04/2010	18. Dates listed with private employment firm From: To:
19. Dates advertised with employee referral program From: To:	20. Dates advertised with campus placement office From: 08/15/2010 To: 09/04/2010
21. Dates advertised with local or ethnic newspaper From: To:	22. Dates advertised with radio or TV ads From: To:

e. General Information – All must complete this section.

23. Has the employer received payment of any kind for the submission of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23-A. If Yes, describe details of the payment including the amount, date and purpose of the payment :	
24. Has the bargaining representative for workers in the occupation in which the alien will be employed been provided with notice of this filing at least 30 days but not more than 180 days before the date the application is filed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
25. If there is no bargaining representative, has a notice of this filing been posted for 10 business days in a conspicuous location at the place of employment, ending at least 30 days before but not more than 180 days before the date the application is filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
26. Has the employer had a layoff in the area of intended employment in the occupation involved in this application or in a related occupation within the six months immediately preceding the filing of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
26-A. If Yes, were the laid off U.S. workers notified and considered for the job opportunity for which certification is sought?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

J. Alien Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Current address 1 423 NAMAHANA ST. #102		
Address 2		
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA
4. Phone number of current residence 808-728-2646		Postal code 96815
5. Country of citizenship TAIWAN	6. Country of birth TAIWAN	
7. Alien's date of birth 01/04/1981	8. Class of admission H-1B	
9. Alien registration number (A#) 135787942	10. Alien admission number (I-94) 06150274322	
11. Education: highest level achieved relevant to the requested occupation:		
<input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input checked="" type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**J. Alien Information Continued**

11-A. If Other indicated in question 11, specify			
12. Specify major field(s) of study INFORMATION SYSTEMS			
13. Year relevant education completed 2005			
14. Institution where relevant education specified in question 11 was received HAWAII PACIFIC UNIVERSITY			
15. Address 1 of conferring institution 1164 BISHOP STREET			
Address 2			
16. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
17. Did the alien complete the training required for the requested job opportunity, as indicated in question H.5?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
18. Does the alien have the experience as required for the requested job opportunity indicated in question H.6?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
19. Does the alien possess the alternate combination of education and experience as indicated in question H.8?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
20. Does the alien have the experience in an alternate occupation specified in question H.10?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
21. Did the alien gain any of the qualifying experience with the employer in a position substantially comparable to the job opportunity requested?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
22. Did the employer pay for any of the alien's education or training necessary to satisfy any of the employer's job requirements for this position?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Is the alien currently employed by the petitioning employer?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

K. Alien Work Experience

List all jobs the alien has held during the past 3 years. Also list any other experience that qualifies the alien for the job opportunity for which the employer is seeking certification.

a. Job 1

1. Employer name University of Hawaii			
2. Address 1 John A. Burns School of Medicine, 651 Ilalo St.			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Info Technology Specialis	
6. Start date 12/05/2005	7. End date	8. Number of hours worked per week 40	

Job 1 continued on next page

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**K. Alien Work Experience Continued**

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

Provide IT support; serve on the Help Desk team, including assisting with managing Help Desk operations; documenting procedures; troubleshooting; other related duties in computer software and hardware support.

Supervisor: Terry Gerber
Phone: 808-692-1111

Note: Ms. Hsiao briefly held the position of IT Specialist (Educational Technology Specialist) from 06/24/2010 - 07/21/2010. On 07/22/2010, she resumed the IT Specialist position described here.

b. Job 2

1. Employer name Hawaii Pacific University			
2. Address 1 1164 Bishop Street			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Asst Computer Support Spec	
6. Start date 02/17/2004	7. End date 10/31/2005	8. Number of hours worked per week 17	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.) Provided telephone support to University users; troubleshooting; resolved hardware and software problems; installed, configured, and maintained personal computers. Supervisor: Tom Thomas Phone: 808-544-1193			

c. Job 3

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	

Job 3 continued on next page

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor



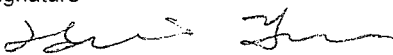
K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

L. Alien Declaration

I declare under penalty of perjury that Sections J and K are true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

In addition, I further declare under penalty of perjury that I intend to accept the position offered in Section H of this application if a labor certification is approved and I am granted a visa or an adjustment of status based on this application.

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Signature 		Date signed 2/15/2011

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

M. Declaration of Preparer

1. Was the application completed by the employer? If No, you must complete this section.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

I hereby certify that I have prepared this application at the direct request of the employer listed in Section C and that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

2. Preparer's last name	First name	Middle initial
3. Title		
4. E-mail address		
5. Signature		Date signed

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



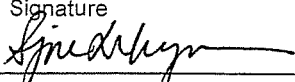
N. Employer Declaration

By virtue of my signature below, I **HEREBY CERTIFY** the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and I will pay at least the prevailing wage.
2. The wage is not based on commissions, bonuses or other incentives, unless I guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.
5. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
6. The job opportunity is not:
 - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
 - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state or local law.
8. The job opportunity has been and is clearly open to any U.S. worker.
9. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
10. The job opportunity is for full-time, permanent employment for an employer other than the alien.

I hereby designate the agent or attorney identified in section E (if any) to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I take full responsibility for the accuracy of any representations made by my agent or attorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained herein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

1. Last name Nakayama	First name Signe	Middle initial
2. Title Immigration Specialist		
3. Signature 		Date signed 02/10/2011

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

O. U.S. Government Agency Use Only

Pursuant to the provisions of Section 212 (a)(5)(A) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

This Certification is valid from _____ to _____

Signature of Certifying Officer

Date Signed

A-10344-38244

01/13/2011

Case Number

Filing Date

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



P. OMB Information

Paperwork Reduction Act Information Control Number 1205-0451

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Respondent's reply to these reporting requirements is required to obtain the benefits of permanent employment certification (Immigration and Nationality Act, Section 212(a)(5)). Public reporting burden for this collection of information is estimated to average 1¼ hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Division of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW * Washington, DC * 20210.

Do NOT send the completed application to this address.

Q. Privacy Statement Information

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that the information provided herein is protected under the Privacy Act. The Department of Labor (Department or DOL) maintains a System of Records titled Employer Application and Attestation File for Permanent and Temporary Alien Workers (DOL/ETA-7) that includes this record.

Under routine uses for this system of records, case files developed in processing labor certification applications, labor condition applications, or labor attestations may be released as follows: in connection with appeals of denials before the DOL Office of Administrative Law Judges and Federal courts, records may be released to the employers that filed such applications, their representatives, to named alien beneficiaries or their representatives, and to the DOL Office of Administrative Law Judges and Federal courts; and in connection with administering and enforcing immigration laws and regulations, records may be released to such agencies as the DOL Office of Inspector General, Employment Standards Administration, the Department of Homeland Security, and the Department of State.

Further relevant disclosures may be made in accordance with the Privacy Act and under the following circumstances: in connection with federal litigation; for law enforcement purposes; to authorized parent locator persons under Pub. L. 93-647; to an information source or public authority in connection with personnel, security clearance, procurement, or benefit-related matters; to a contractor or their employees, grantees or their employees, consultants, or volunteers who have been engaged to assist the agency in the performance of Federal activities; for Federal debt collection purposes; to the Office of Management and Budget in connection with its legislative review, coordination, and clearance activities; to a Member of Congress or their staff in response to an inquiry of the Congressional office made at the written request of the subject of the record; in connection with records management; and to the news media and the public when a matter under investigation becomes public knowledge, the Solicitor of Labor determines the disclosure is necessary to preserve confidence in the integrity of the Department, or the Solicitor of Labor determines that a legitimate public interest exists in the disclosure of information, unless the Solicitor of Labor determines that disclosure would constitute an unwarranted invasion of personal privacy.

Addendum

H. 11. Job duties

Develop medical education & administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment; System Administration: manage & administer applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management; design, implement & integrate subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP; test & debug systems of medium to high complexity for a distributed computing environment; Mobile Devices: provide application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations; prepare written technical documentation for systems of medium to high complexity; generate materials & conduct training for end-users including faculty, staff, & students on use of software, web applications, PDAs, databases, etc.; Database Management: design, develop, implement & maintain databases supporting student education & curriculum administration; Database Management: support statistical analysis & data management of exam responses, survey questions, course materials, & curriculum map; keep abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations; identify technologies applicable to or of potential use to JABSOM-acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies; assist users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution-also provide technical consulting on the implementation & application of selected solutions; integrates IT skills & knowledge in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM; other duties as assigned.

Addendum

H. 14. Specific skills or other requirements

H.7-A cont: Civil Engineering with emphasis in project mgmt, business degree in mgmt (ie: project mgmt, training, business technology, educational degree with emphasis on technical training, instructional design).

3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, &/or user application support/help desk, of which 2 years of the experience must have been comparable in scope & complexity to the next lower payband in the UH broadband system (PBA rank); or equivalent education/training or experience; considerable working knowledge of the use of computers for teaching, training &/or learning (e.g., educational technology systems) as demonstrated by the broad knowledge & understanding of the full range of pertinent standard & evolving information technology concepts, principles & methodology; considerable working knowledge & understanding of the broad technology, systems, hardware & software associated with application development, teaching, training, &/or learning with technology (e.g., educational technology); demonstrated ability to recognize a wide range of intricate problems, use reasoning & logic to determine accurate causes, & apply principles & practices to determine, evaluation, integrate, & implement practical & thorough solutions in an effective & timely manner; demonstrated ability to interpret & present information & ideas clearly & accurately in writing, verbally & by preparation of reports & other materials; demonstrated ability to establish & maintain effective working relationships with internal & external organizations, groups, team leaders & members, & individuals; for supervisory work, demonstrated ability to lead subordinates, manage work priorities & projects, & manage employee relations; any equivalent combination of education &/or professional work experience which provides the required education, knowledge, skills and abilities as indicated; considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, & Perl; considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service; knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology; working knowledge of database integration & management including SQL & MySQL, & ability to create relational databases as needed; considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

fedex.com 1.800.GoFedEx 1.800.463.3339

FedEx® **US Airbill**

Express

8624 5639 0353

0200

Form 101b

FedEx Retrieval Copy

1 From Date 04/17/2012 Sender's FedEx Account Number 1353-1427-7

Sender's Name Kathy Matsumoto Phone 808 692-1176

Company University of Hawaii at Manoa
John A. Burns School of Medicine/Off of Med Educ

Address 651 Hiale Street, Medical Educ Bldg

City Honolulu **State** HI **ZIP** 96813

2 Your Internal Billing Reference

3 To Recipient's Name U.S. Department of Labor Phone
Office of Foreign Labor Certification
Atlanta National Processing Center

Recipient's Address Harris Tower, 233 Peachtree Street, Suite 410
We cannot deliver to PO boxes or ZIP codes.

Address Atlanta GA ZIP 30303

4a Express Package Service

1 ☒ **FedEx Priority Overnight** **5** ☐ **FedEx Standard Overnight** **6** ☐ **FedEx First Overnight**

3 ☐ **FedEx 2Day** **20** ☐ **FedEx Express Saver**

4b Express Freight Service

7 ☐ **FedEx 1Day Freight** **8** ☐ **FedEx 2Day Freight** **83** ☐ **FedEx 3Day Freight**

5 Packaging **2** ☐ **FedEx Pak*** **3** ☐ **FedEx Box** **4** ☐ **FedEx Tube** **1** ☐ **Other**

6 Special Handling **1** ☐ **HOLD Weekday** **31** ☐ **HOLD Saturday**

7 Payment Bill to: **2** ☐ **Recipient** **3** ☐ **Third Party** **4** ☐ **Credit Card** **5** ☐ **Cash/Check**

8 Residential Delivery Signature Options

9 ☐ **No Signature Required** **10** ☐ **Direct Signature** **34** ☐ **Indirect Signature**

520

8624 5639 0353

fedex.com 1.800.GoFedEx 1.800.463.3339

U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



March 23, 2012

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration
Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

Dear UNIVERSITY OF HAWAII

The Department of Labor has made a determination on your Application for Permanent Employment Certification (Form ETA 9089) in accordance with the Department's regulations at 20 CFR § 656.24 and as required by the Immigration and Nationality Act (INA), as amended. **Form ETA 9089 has not been certified.** A certification cannot be issued as required by Section 212(a)(5)(A) of the INA, as amended. The reasons for denial are outlined in the attachment "Reasons for Denial". A request for review of this denial may be made to the Board of Alien Labor Certification Appeals (BALCA) by the employer. When seeking review of this determination, the request must be in accordance with the following:

- The request for review must be in writing;
- The request must clearly identify the particular labor certification determination from which review is sought;
- The request must set forth the particular grounds for the request;
- The request must include all the documents that accompany this Final Determination form;
- The request for review, statements, briefs, and other submissions of the parties and amicus curiae must contain only legal arguments and only such evidence that was within the record upon which the denial of the labor certification was based; and
- The request must be mailed to the attention of the Office of Foreign Labor Certification Certifying Officer who denied the application within **30 calendar days** of the date of this determination.

If this application was denied because it was incomplete or because the employer did not submit documentation requested by the Certifying Officer to finalize review of the application by the date specified, the failure to provide the requested documentation in a timely manner constitutes refusal to exhaust available administrative remedies and the employer cannot request review of this denial with BALCA as outlined in §656.26.

Failure to request review within 30 calendar days, as specified in §656.26, constitutes a failure to exhaust administrative remedies. If a request for review is not made within 30 calendar days, the denial shall become the final determination of the Secretary. If an application for a labor certification is denied, and a request for review is not made in accordance with the procedures at §656.26(a) and (b), a new application may be filed. ***A new application in the same occupation for the same alien cannot be filed while a request for review is pending with the Board of Alien Labor Certification Appeals.*** Reconsideration may be requested any time within 30 days from the date of issuance of this denial. The Certifying Officer may, in his or her complete discretion, reconsider the determination or treat it as a request for review under §656.26(a).

Sincerely,

William Carlson, Ph.D.
National Certifying Officer

CC: UNIVERSITY OF HAWAII
Enclosure: Reasons for Denial

Reasons for Denial

Case # A-10344-38244

Your Application for Permanent Employment Certification was not certified due to the following:

Denial Reason #1:

The employer failed to provide adequate documentation of the additional recruitment steps for professional occupations as required in the Audit Notification letter. The employer indicated in Item I.d.15 of ETA Form 9089 that it used its web site to advertise the job opportunity described in Section H. The employer also provided a document which looks to be a word document that is title, "Work at UH Advertisement." The document does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website. The employer failed to provide dated copies of the pages from the site that advertised the job opportunity.

AUTHORITY FOR DENIAL: Departmental regulations at 20 CFR § 656.17(e)(1)(ii)(B), states: "The use of the employer's web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application."

Denial Reason #2:

The documentation provided by the employer as proof of the employer's website offers terms and conditions of employment that are less favorable than those offered to the foreign worker. Specifically, the advertisement contains a wage of \$3,684 per month, \$44,220.80 per year which is lower than the offered wage, \$57,194.00 per year listed in section G.1 on the ETA Form 9089.

AUTHORITY FOR DENIAL: In accordance with the Department's regulations at 20 CFR § 656.17(f)(7), advertisements placed in newspapers of general circulation or in professional journals must "not contain wages or terms and conditions of employment that are less favorable than those offered to the alien."

The employer is reminded that, as an alternative to filing an appeal, i.e., either a request for reconsideration, in accordance with the Department's regulations at 20 CFR § 656.24, or request for review, in accordance with the Department's regulations at § 656.26, it may correct the deficiencies as outlined in the denial and submit a new application to the Atlanta National Processing Center for review.

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

Office of International and Exchange Programs
Faculty and Scholar Immigration Services



UNIVERSITY
of HAWAII®
MĀNOA

March 1, 2012

Audit Review Team
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

Re: ETA Case Number: A-10344-38244
Alien's Name: Ya-Wen HSIAO

Dear Certifying Officer:

As requested in your letter dated February 28, 2012, the University of Hawaii submits a "copy of the complete, original response as submitted on February 16, 2011." We are providing copies of the response since originals were previously sent.

A copy of the February 28, 2012 letter is also included.

We hope this provides all the required documentation necessary to continue processing this application. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Signe Nakayama".

Signe Nakayama
Immigration Specialist

cc: JABSOM

U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



February 28, 2012

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105 Honolulu,
HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

In Response, refer to: Audit Review Team
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

MAR 8 2012

Dear UNIVERSITY OF HAWAII

The Application for Permanent Labor Certification (ETA Form 9089) submitted to the United States Department of Labor on January 13, 2011 was selected for audit on January 18, 2011. In an effort to continue the adjudication of your case, the Atlanta National Processing Center will need to obtain the following information:

- A statement signed by the employer indicating whether you would like to proceed with the processing of this application. Should your statement indicate a desire to not continue the processing of this application, the Atlanta National Processing Center will deem the application withdrawn and no further action will be taken.

OR

- Should you choose to continue with the processing of this case, ***please provide the information requested in the attachment to this letter.***

The required documentation must be submitted by March 29, 2012. If the required documentation has not been electronically emailed or mailed and post marked by the date specified to the address listed above:

- The application will be denied
- The failure to provide the requested documentation in a timely manner will constitute refusal to exhaust available administrative remedies; and
- The administrative judicial review procedure provided in 20 CFR § 656.26 will not be available

NOTE: *In accordance with the Department's regulations at 20 CFR § 656.20(b), a substantial failure by the employer to provide the required audit documentation will result in the application being denied under § 656.24, and may result in a determination by the Certifying Officer to require the employer to conduct supervised recruitment under § 656.21 in future filings of labor certification applications for up to 2 years. Moreover, a pattern or practice of failing to comply in the audit process, which includes but is not limited to, a failure to provide required documentation, in accordance with the Department's regulations at 20 CFR § 656.20, is a ground for debarment of an employer, attorney, agent, or any combination thereof from the permanent labor certification program for a period of up to three years under § 656.31(f)(iv).*

Sincerely,

William Carlson, Ph.D.
National Certifying Officer

Enclosure(s): Requested Information

Knowingly furnishing false information in the preparation of this form (ETA Form 9089) or any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both (18 U.S.C.2, 1001).

Requested Information

Additional Audit Request:

Provide a copy of the complete, original response as submitted on February 16, 2011. Copies may be used if original documents (tear sheets, PWD, etc.) were sent with the prior submission.



UNIVERSITY
of HAWAII®
MĀNOA

FEB 10 2011

Audit Team
Atlanta Processing Center
Harris Tower, 233 Peachtree Street, Suite 410
Atlanta, GA 30303

Re: ETA Case Number: A-10344-38244
Alien's Name: Ya-Wen HSIAO

Dear Certifying Officer:

In response to the Audit Notification of January 18, 2011, the University of Hawaii submits the following requested documents:

1. A copy of the Audit Notification
2. A copy of the submitted ETA Form 9089 with original signatures in Sections L and N
3. Proof of business necessity: Not applicable. The answer to H-12 is yes, answers to H-13, H-15, and H-17 are no, and the duties/requirements are not beyond those defined for the job.
4. Documentation for live-in household domestic service workers: Not applicable. The answer to H-18 is no.
5. Notice of filing documentation as outlined in 656.10(d): Pursuant to 656.10(d)(1)(i), the University provided notice to the collective bargaining representative, the Hawaii Government Employees Association (HGEA). The following documents are attached as evidence:
 - Copy of the notice of filing addressed to HGEA
 - Evidence of electronic transmission of the notice (i.e. UH FileDrop service confirmation printouts)
 - Evidence that the recipients of the electronic transmission are HGEA agents (i.e. printout of staff contact list from the HGEA website)
6. 656.17 Basic Process Recruitment Documentation:
 - Recruitment report for the position: Letter from the Director for the Office of Medical Education and the University of Hawaii Board of Regents Recruitment/Selection Form (Form 17)
 - Copy of the NPWC-issued prevailing wage determination
 - Copy of the job order placed with the SWA (Oahu WorkLinks Honolulu)
 - Documentation as outlined in 656.17(e):
 - Copies of Sunday print ads placed in the Honolulu Star-Advertiser newspaper on 08/08/2010 and 08/15/2010
 - Printout of ad placed on employer's website (workatuh.hawaii.edu)
 - Printout of ad placed on job search website other than the employer's (craigslist.org)
 - Printout of ad placed with the campus placement office (UH Center for Career Development and Student Employment)

ETA Case Number: A-10344-38244

Alien's Name: Ya-Wen Hsiao

Page 2 of 2

In response to the Attachment: Required Documentation for Response to Notification of Audit, we are submitting documentation showing that each of the other applicants for the position were rejected for lawful, job-related reasons.

We hope this provides all the required documentation necessary to process this application. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Signe Nakayama", with a horizontal line extending to the right.

Signe Nakayama
Immigration Specialist

cc: JABSOM

U.S. Department of Labor

Employment and Training Administration

Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



AUDIT NOTIFICATION

January 18, 2011

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105 Honolulu,
HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

In Response, refer

to: Audit Team
Atlanta Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

Dear UNIVERSITY OF HAWAII

The Application for Permanent Employment Certification (ETA Form 9089) submitted to the U.S. Department of Labor on January 13, 2011 has been selected for audit. In accordance with § 656.20, please submit the following information to the address specified above:

- The documentation listed on the following attachment supporting the attestations made on the application.
- A copy of this Audit Notification.
- A copy of the submitted ETA Form 9089, **with original signatures** in Section L (Alien Declaration), Section M (Declaration of Preparer (if applicable)), and Section N (Employer Declaration).
- Proof of business necessity as outlined by § 656.17(h) if the answer for question H-12 is no, the answer for questions H-13, H-15, or H-17 are yes, or the job duties and/or requirements are beyond those defined for the job by the SOC/O*Net code and Occupation Title provided by the National Prevailing Wage Center.
- Documentation required for live-in household domestic service workers as outlined by § 656.19(b) if the answer to question H-18 is yes.
- Notice of filing documentation as outlined in 656.10(d).
 - Documentation submitted in response to this audit notification must include proof that the employer's notice of filing was posted for ten (10) consecutive business days and was accessible to all employees. If one or more of the 10 business days is a Saturday, Sunday, and/or a holiday, the employer must submit documentation to demonstrate that it was open for business on the Saturday, Sunday, and/or holiday in question and, again, demonstrate that employees had access to the posting location of the notice of filing.
- Recruitment Documentation
 - § 656.17 Basic Process:
 - The recruitment report for this position as described in § 656.17(g)(1) signed by the employer or the employer's representative describing the recruitment steps undertaken and the results achieved, the number of hires, and, if applicable, the number of U.S. workers rejected, summarized by the lawful job-related reasons for such rejections. Be advised, the Certifying

Officer, after reviewing the employer's recruitment report, may request U.S. workers' resumes or applications, sorted by the reasons the workers were rejected.

- o A copy of the Prevailing Wage Determination received from the National Prevailing Wage Center (NPWC) and if not included in the Prevailing Wage Determination, a copy of the request for the determination as originally submitted to the NPWC.
- o A copy of the job order placed with the SWA serving the area of intended employment downloaded from the SWA Internet job listing site, a copy of the job order provided by the SWA, or other proof of publication from the SWA containing the content of the job order, where a job order is required by the recruitment provisions of 20 CFR 656 and/or a job order is listed on the ETA Form 9089 as a recruitment source.
- o Documentation as outlined in 656.17(e).

OR

- § 656.18 College and University Teachers Special Recruitment:
 - o A statement signed by an official with actual hiring authority outlining in detail the complete recruitment procedures undertaken; and which set forth the total number of applicants for the job opportunity and the specific lawful job-related reasons why the foreign worker is more qualified than each U.S. worker who applied for the job.
 - o A final report of the faculty, student, and/or administrative body making the recommendation or selection of the foreign worker.
 - o A copy of the advertisement for the job opportunity and, if appropriate, evidence of all other recruitment sources.
 - o A written statement attesting to the degree of the foreign worker's educational or professional qualifications and academic achievements.
 - o A copy of the Prevailing Wage Determination received from the National Prevailing Wage Center (NPWC) and if not included in the Prevailing Wage Determination, a copy of the request for the determination as originally submitted to the NPWC.

The required documentation must be submitted by February 17, 2011. If the required documentation has not been mailed and postmarked by the date specified to the address listed above:

- The application will be denied;
- The failure to provide the requested documentation in a timely manner will constitute a refusal to exhaust available administrative remedies; and
- The administrative judicial review procedure provided in § 656.26 will not be available.

If the Certifying Officer determines the employer substantially failed to produce required documentation, i.e., the documentation was not provided or was inadequate:

- The application will be denied; and
- The employer may be required to conduct supervised recruitments pursuant to § 656.21 in future filings of labor certification applications for up to two years from the date of the Final Determination.

Once analysis of the documentation is complete under the standards in § 656.24, the employer will be notified in writing (either electronically and/or mail) of the labor certification determination. In the event the application is denied, the determination can be appealed by filing either a request for reconsideration or a request for review within 30 days of receipt of the notification of the labor certification determination as outlined in 20CFR § 656.24(g) and 656.26.

Sincerely,

Atlanta NPC
Certifying Officer

CC: UNIVERSITY OF HAWAII

Important note: Pursuant to 20 CFR 656.20(b), a substantial failure by the employer to provide the

required audit documentation will result in the application being denied under 20 CFR 656.24, and may result in a determination by the Certifying Officer to require the employer to conduct supervised recruitment under 20 CFR 656.21 in future filings of labor certification applications for up to 2 years. Moreover, a pattern or practice of failing to comply in the audit process, which includes but is not limited to, a failure to provide required documentation, pursuant to 20 CFR 656.20, is a ground for debarment of an employer, attorney, agent, or any combination thereof from the permanent labor certification program for a period of up to three years under 20 CFR 656.31(f)(iv).

Attachment: Required Documentation for Response to Notification of Audit

Case # A-10344-38244:

In addition to the information requested in the body of the letter, please provide the following:

Audit Reason:

The U.S. Department of Labor is unable to determine if potentially qualified U.S. workers who applied for the job opportunity were rejected for lawful, job-related reasons. The Code of Federal Regulations (CFR) at 20 CFR 656.24(b)(2)(i) requires the Certifying Officer to make a determination to grant or deny the labor certification based on whether there are able, willing, qualified, and available U.S. workers to perform the job opportunity. The employer must consider a U.S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupation as customarily performed by other U.S. workers similarly employed. Per 20 CFR 656.17(g)(2), a U.S. worker is able and qualified for the job opportunity if the worker can acquire the skills necessary to perform the duties involved in the occupation during a reasonable period of on-the-job training. It is not a lawful job-related reason to reject a U.S. worker for lacking the skills necessary to perform the duties involved in the occupation, where the U.S. workers are capable of acquiring the skills during a reasonable period of on-the-job training.

Audit Request:

Please provide the resumes and applications for all U.S. workers who applied for the employer's job opportunity listed on the ETA Form 9089. In addition, please provide a report that lists the following information for each U.S. worker rejected for the job opportunity: the date(s) the employer contacted the U.S. worker; the date(s) the employer interviewed the U.S. worker; if appropriate, the reason(s) the employer did not interview the employee; the specific lawful job related reason(s) the U.S. worker was rejected; and how the U.S. worker was informed he or she did not qualify for the job opportunity. Also include information that documents the employer contacted the applicant(s) by phone (telephone logs), e-mail (dated copy of electronic transmission) and/or by mail (copy of letter sent to applicant(s) along with a copy of certified mail/"signed" green return receipt card).

Knowingly furnishing false information in the preparation of this form (ETA 9089) and any subsequent thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both (18 U.S.C. 2, 1001)

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



Please read and review the filing instructions before completing this form. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Employing or continuing to employ an alien unauthorized to work in the United States is illegal and may subject the employer to criminal prosecution, civil money penalties, or both.

A. Refiling Instructions

1. Are you seeking to utilize the filing date from a previously submitted Application for Alien Employment Certification (ETA 750)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1-A. If Yes, enter the previous filing date		
1-B. Indicate the previous SWA or local office case number OR if not available, specify state where case was originally filed:		

B. Schedule A or Shepherd Information

1. Is this application in support of a Schedule A or Shepherd Occupation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If Yes, do NOT send this application to the Department of Labor. All applications in support of Schedule A or Shepherd Occupations must be sent directly to the appropriate Department of Homeland Security office.		

C. Employer Information (Headquarters or Main Office)

1. Employer's name UNIVERSITY OF HAWAII			
2. Address 1 FACULTY & SCHOLAR IMMIGRATION SERVICES			
Address 2 2565 MCCARTHY MALL, PSB 106			
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96822
4. Phone number (808) 956-6374		Extension	
5. Number of employees 8900		6. Year commenced business 1907	
7. FEIN(Federal Employer Identification Number) 996000354		8. NAICS Code 611310	
9. Is the employer a closely held corporation, partnership, or sole proprietorship in which the alien has an ownership interest, or is there a familial relationship between the owners, stockholders, partners, corporate officers, incorporators, and the alien?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

D. Employer Contact Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Contact's last name Nakayama	First name Signe	Middle initial
2. Address 1 Faculty & Scholar Immigration Services		
Address 2 2565 McCarthy Mall, PSB 105		
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA
4. Phone number (808) 956-0935	Extension	
5. E-mail address signen@hawaii.edu		

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**E. Agent or Attorney Information (If applicable)**

1. Agent or attorney's last name	First name	Middle initial
2. Firm name		
3. Firm EIN	4. Phone number	Extension
5. Address 1		
Address 2		
6. City	State/Province	Country
Postal code		
7. E-mail address		

F. Prevailing Wage Information (as provided by the State Workforce Agency)

1. Prevailing wage tracking number (if applicable) P10010244371217	2. SOC/O*NET(OES) code 15-1034.00
3. Occupation Title Computer Software Engineers, Applications, Non	4. Skill Level
5. Prevailing wage Per: (Choose only one) \$ 44,208.00 <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES <input checked="" type="checkbox"/> CBA <input type="checkbox"/> Employer Conducted Survey <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
6-A. If Other is indicated in question 6, specify:	
7. Determination date 09/30/2010	8. Expiration date 07/01/2011

G. Wage Offer Information

1. Offered wage From: \$ 57,194.00 To: (Optional) \$	Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
---	--

H. Job Opportunity Information (Where work will be performed)

1. Primary worksite (where work is to be performed) address 1 University of Hawaii at Manoa		
Address 2 John A. Burns School of Medicine, 651 Ilalo Street		
2. City Honolulu	State HI	Postal code 96813
3. Job title Information Technology Specialist (Educational Technology Specialist)		
4. Education: minimum level required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input checked="" type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		
4-A. If Other is indicated in question 4, specify the education required:		
4-B. Major field of study Management Information Systems		
5. Is training required in the job opportunity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		5-A. If Yes, number of months of training required:

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



H. Job Opportunity Information Continued

5-B. Indicate the field of training:	
6. Is experience in the job offered required for the job? 6-A. If Yes, number of months experience required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Is there an alternate field of study that is acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7-A. If Yes, specify the major field of study: Information Systems, Computer Sci, Project Mgmt, Electrical Engineering; s	
8. Is there an alternate combination of education and experience that is acceptable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8-A. If Yes, specify the alternate level of education required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other	
8-B. If Other is indicated in question 8-A, indicate the alternate level of education required:	
8-C. If applicable, indicate the number of years experience acceptable in question 8:	
9. Is a foreign educational equivalent acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Is experience in an alternate occupation acceptable? 10-A. If Yes, number of months experience in alternate occupation required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10-B. Identify the job title of the acceptable alternate occupation:	
11. Job duties – If submitting by mail, add attachment if necessary. Job duties description must begin in this space. See Attachment	
12. Are the job opportunity's requirements normal for the occupation? If the answer to this question is No, the employer must be prepared to provide documentation demonstrating that the job requirements are supported by business necessity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Is knowledge of a foreign language required to perform the job duties? If the answer to this question is Yes, the employer must be prepared to provide documentation demonstrating that the language requirements are supported by business necessity.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Specific skills or other requirements – If submitting by mail, add attachment if necessary. Skills description must begin in this space. See Attachment	

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**H. Job Opportunity Information Continued**

15. Does this application involve a job opportunity that includes a combination of occupations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
16. Is the position identified in this application being offered to the alien identified in Section J?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
17. Does the job require the alien to live on the employer's premises?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Is the application for a live-in household domestic service worker?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18-A. If Yes, have the employer and the alien executed the required employment contract and has the employer provided a copy of the contract to the alien?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

I. Recruitment Information**a. Occupation Type – All must complete this section.**

1. Is this application for a professional occupation , other than a college or university teacher? Professional occupations are those for which a bachelor's degree (or equivalent) is normally required.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is this application for a college or university teacher? If Yes, complete questions 2-A and 2-B below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2-A. Did you select the candidate using a competitive recruitment and selection process?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2-B. Did you use the basic recruitment process for professional occupations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

b. Special Recruitment and Documentation Procedures for College and University Teachers – Complete only if the answer to question I.a.2-A is Yes.

3. Date alien selected:
4. Name and date of national professional journal in which advertisement was placed:
5. Specify additional recruitment information in this space. Add an attachment if necessary.

c. Professional/Non-Professional Information – Complete this section unless your answer to question B.1 or I.a.2-A is YES.

6. Start date for the SWA job order 08/04/2010	7. End date for the SWA job order 09/03/2010
8. Is there a Sunday edition of the newspaper in the area of intended employment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Name of newspaper (of general circulation) in which the first advertisement was placed: Honolulu Star-Advertiser	
10. Date of first advertisement identified in question 9: 08/08/2010	
11. Name of newspaper or professional journal (if applicable) in which second advertisement was placed: Honolulu Star-Advertiser	
<input checked="" type="checkbox"/> Newspaper <input type="checkbox"/> Journal	

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**I. Recruitment Information Continued**12. Date of second newspaper advertisement or date of publication of journal identified in question 11:
08/15/2010**d. Professional Recruitment Information – Complete if the answer to question I.a.1 is YES or if the answer to I.a.2-B is YES. Complete at least 3 of the items.**

13. Dates advertised at job fair From: To:	14. Dates of on-campus recruiting From: To:
15. Dates posted on employer web site From: 08/02/2010 To: 09/04/2010	16. Dates advertised with trade or professional organization From: To:
17. Dates listed with job search web site From: 08/05/2010 To: 09/04/2010	18. Dates listed with private employment firm From: To:
19. Dates advertised with employee referral program From: To:	20. Dates advertised with campus placement office From: 08/15/2010 To: 09/04/2010
21. Dates advertised with local or ethnic newspaper From: To:	22. Dates advertised with radio or TV ads From: To:

e. General Information – All must complete this section.

23. Has the employer received payment of any kind for the submission of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23-A. If Yes, describe details of the payment including the amount, date and purpose of the payment :	
24. Has the bargaining representative for workers in the occupation in which the alien will be employed been provided with notice of this filing at least 30 days but not more than 180 days before the date the application is filed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
25. If there is no bargaining representative, has a notice of this filing been posted for 10 business days in a conspicuous location at the place of employment, ending at least 30 days before but not more than 180 days before the date the application is filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
26. Has the employer had a layoff in the area of intended employment in the occupation involved in this application or in a related occupation within the six months immediately preceding the filing of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
26-A. If Yes, were the laid off U.S. workers notified and considered for the job opportunity for which certification is sought?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

J. Alien Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Current address 1 423 NAMAHA ST. #102		
Address 2		
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA
4. Phone number of current residence 808-728-2646		Postal code 96815
5. Country of citizenship TAIWAN	6. Country of birth TAIWAN	
7. Alien's date of birth 01/04/1981	8. Class of admission H-1B	
9. Alien registration number (A#) 135787942	10. Alien admission number (I-94) 06150274322	
11. Education: highest level achieved relevant to the requested occupation:		
<input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input checked="" type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**J. Alien Information Continued**

11-A. If Other indicated in question 11, specify			
12. Specify major field(s) of study INFORMATION SYSTEMS			
13. Year relevant education completed 2005			
14. Institution where relevant education specified in question 11 was received HAWAII PACIFIC UNIVERSITY			
15. Address 1 of conferring institution 1164 BISHOP STREET			
Address 2			
16. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
17. Did the alien complete the training required for the requested job opportunity, as indicated in question H.5?			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
18. Does the alien have the experience as required for the requested job opportunity indicated in question H.6?			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
19. Does the alien possess the alternate combination of education and experience as indicated in question H.8?			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
20. Does the alien have the experience in an alternate occupation specified in question H.10?			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
21. Did the alien gain any of the qualifying experience with the employer in a position substantially comparable to the job opportunity requested?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
22. Did the employer pay for any of the alien's education or training necessary to satisfy any of the employer's job requirements for this position?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23. Is the alien currently employed by the petitioning employer?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

K. Alien Work Experience

List all jobs the alien has held during the past 3 years. Also list any other experience that qualifies the alien for the job opportunity for which the employer is seeking certification.

a. Job 1

1. Employer name University of Hawaii			
2. Address 1 John A. Burns School of Medicine, 651 Ilalo St.			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Info Technology Specialis	
6. Start date 12/05/2005	7. End date	8. Number of hours worked per week 40	

Job 1 continued on next page

OMB Approval: 1205-0451
 Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
 U.S. Department of Labor



K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

Provide IT support; serve on the Help Desk team, including assisting with managing Help Desk operations; documenting procedures; troubleshooting; other related duties in computer software and hardware support.

Supervisor: Terry Gerber
 Phone: 808-692-1111

Note: Ms. Hsiao briefly held the position of IT Specialist (Educational Technology Specialist) from 06/24/2010 - 07/21/2010. On 07/22/2010, she resumed the IT Specialist position described here.

b. Job 2

1. Employer name Hawaii Pacific University			
2. Address 1 1164 Bishop Street			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Asst Computer Support Spec	
6. Start date 02/17/2004	7. End date 10/31/2005	8. Number of hours worked per week 17	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)			
Provided telephone support to University users; troubleshooting; resolved hardware and software problems; installed, configured, and maintained personal computers.			
Supervisor: Tom Thomas Phone: 808-544-1193			

c. Job 3

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	

Job 3 continued on next page

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor



K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

L. Alien Declaration

I declare under penalty of perjury that Sections J and K are true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

In addition, I further declare under penalty of perjury that I intend to accept the position offered in Section H of this application if a labor certification is approved and I am granted a visa or an adjustment of status based on this application.

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Signature 		Date signed 2/15/2011

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

M. Declaration of Preparer

1. Was the application completed by the employer? If No, you must complete this section.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

I hereby certify that I have prepared this application at the direct request of the employer listed in Section C and that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

2. Preparer's last name	First name	Middle initial
3. Title		
4. E-mail address		
5. Signature		Date signed

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

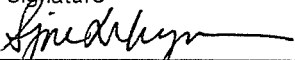
ETA Form 9089
U.S. Department of Labor**N. Employer Declaration**

By virtue of my signature below, I **HEREBY CERTIFY** the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and I will pay at least the prevailing wage.
2. The wage is not based on commissions, bonuses or other incentives, unless I guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.
5. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
6. The job opportunity is not:
 - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
 - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state or local law.
8. The job opportunity has been and is clearly open to any U.S. worker.
9. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
10. The job opportunity is for full-time, permanent employment for an employer other than the alien.

I hereby designate the agent or attorney identified in section E (if any) to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I take full responsibility for the accuracy of any representations made by my agent or attorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained herein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

1. Last name Nakayama	First name Signe	Middle initial
2. Title Immigration Specialist		
3. Signature 	Date signed 02/10/2011	

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification MUST be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

O. U.S. Government Agency Use Only

Pursuant to the provisions of Section 212 (a)(5)(A) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

This Certification is valid from _____ to _____

Signature of Certifying Officer

Date Signed

A-10344-38244

01/13/2011

Case Number

Filing Date

OMB Approval: 1205-0451
Expiration Date: 06/30/2011

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



P. OMB Information

Paperwork Reduction Act Information Control Number 1205-0451

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Respondent's reply to these reporting requirements is required to obtain the benefits of permanent employment certification (Immigration and Nationality Act, Section 212(a)(5)). Public reporting burden for this collection of information is estimated to average 1¼ hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Division of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW * Washington, DC * 20210.

Do NOT send the completed application to this address.

Q. Privacy Statement Information

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that the information provided herein is protected under the Privacy Act. The Department of Labor (Department or DOL) maintains a System of Records titled Employer Application and Attestation File for Permanent and Temporary Alien Workers (DOL/ETA-7) that includes this record.

Under routine uses for this system of records, case files developed in processing labor certification applications, labor condition applications, or labor attestations may be released as follows: in connection with appeals of denials before the DOL Office of Administrative Law Judges and Federal courts, records may be released to the employers that filed such applications, their representatives, to named alien beneficiaries or their representatives, and to the DOL Office of Administrative Law Judges and Federal courts; and in connection with administering and enforcing immigration laws and regulations, records may be released to such agencies as the DOL Office of Inspector General, Employment Standards Administration, the Department of Homeland Security, and the Department of State.

Further relevant disclosures may be made in accordance with the Privacy Act and under the following circumstances: in connection with federal litigation; for law enforcement purposes; to authorized parent locator persons under Pub. L. 93-647; to an information source or public authority in connection with personnel, security clearance, procurement, or benefit-related matters; to a contractor or their employees, grantees or their employees, consultants, or volunteers who have been engaged to assist the agency in the performance of Federal activities; for Federal debt collection purposes; to the Office of Management and Budget in connection with its legislative review, coordination, and clearance activities; to a Member of Congress or their staff in response to an inquiry of the Congressional office made at the written request of the subject of the record; in connection with records management; and to the news media and the public when a matter under investigation becomes public knowledge, the Solicitor of Labor determines the disclosure is necessary to preserve confidence in the integrity of the Department, or the Solicitor of Labor determines that a legitimate public interest exists in the disclosure of information, unless the Solicitor of Labor determines that disclosure would constitute an unwarranted invasion of personal privacy.

Addendum

H. 11. Job duties

Develop medical education & administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment; System Administration: manage & administer applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management; design, implement & integrate subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP; test & debug systems of medium to high complexity for a distributed computing environment; Mobile Devices: provide application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations; prepare written technical documentation for systems of medium to high complexity; generate materials & conduct training for end-users including faculty, staff, & students on use of software, web applications, PDAs, databases, etc.; Database Management: design, develop, implement & maintain databases supporting student education & curriculum administration; Database Management: support statistical analysis & data management of exam responses, survey questions, course materials, & curriculum map; keep abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations; identify technologies applicable to or of potential use to JABSOM-acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies; assist users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution-also provide technical consulting on the implementation & application of selected solutions; integrates IT skills & knowledge in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM; other duties as assigned.

Addendum

H. 14. Specific skills or other requirements

H.7-A cont: Civil Engineering with emphasis in project mgmt, business degree in mgmt (ie: project mgmt, training, business technology, educational degree with emphasis on technical training, instructional design).

3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, &/or user application support/help desk, of which 2 years of the experience must have been comparable in scope & complexity to the next lower payband in the UH broadband system (PBA rank); or equivalent education/training or experience; considerable working knowledge of the use of computers for teaching, training &/or learning (e.g., educational technology systems) as demonstrated by the broad knowledge & understanding of the full range of pertinent standard & evolving information technology concepts, principles & methodology; considerable working knowledge & understanding of the broad technology, systems, hardware & software associated with application development, teaching, training, &/or learning with technology (e.g., educational technology); demonstrated ability to recognize a wide range of intricate problems, use reasoning & logic to determine accurate causes, & apply principles & practices to determine, evaluation, integrate, & implement practical & thorough solutions in an effective & timely manner; demonstrated ability to interpret & present information & ideas clearly & accurately in writing, verbally & by preparation of reports & other materials; demonstrated ability to establish & maintain effective working relationships with internal & external organizations, groups, team leaders & members, & individuals; for supervisory work, demonstrated ability to lead subordinates, manage work priorities & projects, & manage employee relations; any equivalent combination of education &/or professional work experience which provides the required education, knowledge, skills and abilities as indicated; considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, & Perl; considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service; knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology; working knowledge of database integration & management including SQL & MySQL, & ability to create relational databases as needed; considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).



UNIVERSITY
of HAWAII®
MĀNOA

NOTICE OF FILING

December 13, 2010

Hawaii Government Employees Association
AFSCME Local 152, AFL-CIO
888 Mililani Street, Suite 601
Honolulu, HI 96813

Re: Form ETA 9089 Permanent Labor Certification Application
Beneficiary: Ya-Wen Hsiao

Dear Sir/Madam:

This is to notify the collective bargaining representative for the employees of the University of Hawaii in Honolulu, Hawaii of the filing of an application for permanent alien labor certification for an Information Technology Specialist (Educational Technology Specialist), PBB, position in accordance with 20 CFR 656.10(d)(1)(i). This notice of filing is being provided to the collective bargaining representative between 30 and 180 days before the application will be filed with the U.S. Department of Labor. Employment of this alien will not adversely affect the working conditions of U.S. workers similarly employed in the department.

Pursuant to 20 CFR 656.10(d)(3), this notice states the following:

- Applicants for the position should report to the University of Hawaii at Manoa John A. Burns School of Medicine Human Resources Office and not to the local Employment Services Office.
- This notice is being provided as a result of the University of Hawaii, Employer, filing an application for permanent alien labor certification for permanent full-time employment in the occupation classification of Information Technology Specialist (Educational Technology Specialist), SOC Code: 15-1034 Computer Software Engineers, Applications, Non R&D.
- Any person may provide documentary evidence bearing on the application to the Certifying Officer of the Department of Labor at this address: U.S. Department of Labor, Employment and Training Administration, Atlanta Processing Center, Harris Tower, 233 Peachtree Street, Suite 410, Atlanta, GA 30303.

Under 20 CFR 656.10(d)(4), we are also providing the following information:

- 20 CFR 656.17(f) information for advertisements (copies of ads are attached)
- Offered rate of pay: \$ 57,194 per year

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Signe Nakayama".

Signe Nakayama
Immigration Specialist

Attachments: Copy of ETA 9089
Copies of job advertisements

cc: JABSOM

2565 McCarthy Mall, PSB 102-106, Honolulu, Hawaii 96822
Phone: (808) 956-0935 Fax: (808) 956-5030
Email: signen@hawaii.edu Web: www.hawaii.edu/fsis
An Equal Opportunity/Affirmative Action Institution

Subject: Your files have been received by the UH FileDrop Service
From: uh-filedrop@hawaii.edu
Date: Mon, 13 Dec 2010 13:14:55 -1000 (HST)
To: signen@hawaii.edu

Your upload via the UH FileDrop service was successful

Your upload to the UH FileDrop service was successful. The files will be available for download until Sat, December 18 at 1:14 PM HST, after which time they will be automatically deleted.

You provided the following comment:

Hi Dean,

Here are the notice of filing and other documents. Please let me know if you have any questions.

Thanks!
signe

The download URL for the files is:

<https://www.hawaii.edu/filedrop/dl/EZJVk-ZtbES-bXndv-tEqOJ>

Thank you for using the UH FileDrop service. Please feel free to send us any feedback you have regarding the service via the feedback form, here:

<https://www.hawaii.edu/filedrop/feedback>

Subject: Your files have been received by the UH FileDrop Service
From: uh-filedrop@hawaii.edu
Date: Mon, 13 Dec 2010 13:13:59 -1000 (HST)
To: signen@hawaii.edu

Your upload via the UH FileDrop service was successful

Your upload to the UH FileDrop service was successful. The files will be available for download until Sat, December 18 at 1:13 PM HST, after which time they will be automatically deleted.

You provided the following comment:

Hi Lena,

Here is the notice of filing and other documents. Please let me know if you have any questions.

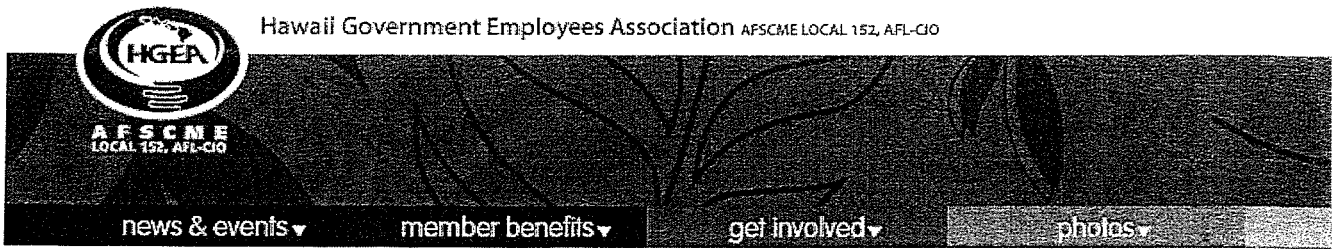
Thanks!!
signe

The download URL for the files is:

<https://www.hawaii.edu/filedrop/dl/cEIUU-KuzHa-dXtJs-XCMgZ>

Thank you for using the UH FileDrop service. Please feel free to send us any feedback you have regarding the service via the feedback form, here:

<https://www.hawaii.edu/filedrop/feedback>



Home > Contact Us > Staff

staff

HGEA has offices in Honolulu, Hilo, Wailuku and Lihue. The staff is headed by Executive Director Randy Perreira, who was appointed in January 2008 executive director to lead HGEA since its founding in 1934.

To find the HGEA union agent that represents you, login to your Members Only account and look in the right column for the box labeled "My Union Age unit and corresponding contract & salary schedule can also be found in the left column when you login to your Members Only account.

Office of the Executive Director

Randy Perreira, Executive Director 543-0011 rperreir@hgea.org
 Nora Nomura, Deputy Executive Director - Field 543-0003 nnomura@hgea.org
 Derek Mizuno, Deputy Executive Director - Administration 543-0055 dmizuno@hgea.org
 Leiomalama Desha, Executive Assistant to the Executive Director 543-0050 ldesha@hgea.org
 Sandra Fukuda, Private Secretary to the Executive Director 543-0012 sfukuda@hgea.org
 Kay Mendes, Private Secretary to the Deputy Executive Director - Field 543-0013 kmendes@hgea.org
 Wesley Aki, Private Secretary to the Deputy Executive Director - Administration 543-0056 waki@hgea.org
 Nate Wong, Office Services Specialist to the Office of the Executive Director 543-0064 nwong@hgea.org

Field Services - Oahu

Sanford Chun, Field Services Officer 543-0070 schun@hgea.org
 William Chai, Union Agent 543-0045 wchai@hgea.org
 Lena Fernandes, Union Agent 543-0061 lfernandes@hgea.org
 Joan Fukumoto, Union Agent 543-0091 jfukumoto@hgea.org
 Rajani Jemmari, Union Agent 543-0016 rjemmari@hgea.org
 Michele Kurihara-Klein, Legislative Specialist 543-0093 mkurihara@hgea.org
 Joy Kuwabara, Union Agent 543-0078 jkuwabara@hgea.org
 Brandon Lee, Union Agent 543-0085 blee@hgea.org
 Jamett Lono, Union Agent 543-0060 jamett@hgea.org
 Erika Liashenko, Union Agent 543-0083 eliaschenko@hgea.org
 Dean Makimoto, Field Support Specialist 543-0028 dmakimot@hgea.org
 Kevin Mulligan, Public Policy/Legislative Specialist 543-0067 kmulliga@hgea.org
 Kevin Nakata, Union Agent 543-0048 knakata@hgea.org
 Chad Ngai, Union Agent 543-0042 cngai@hgea.org
 Kretia Peightal, Union Agent 543-0086 kpeightal@hgea.org
 Denise Sugihara, Union Agent 543-0046 dsugihara@hgea.org
 Joan Takano, Education and Training Specialist 543-0043 jtakano@hgea.org
 Mahie Trask, Field Support Specialist 543-0090 mtrask@hgea.org
 Florence Yamada, Special Assistant for Membership Services 543-0092 fyamada@hgea.org
 Michael Yuen, Union Agent 543-0057 myuen@hgea.org

Field Services - Big Island: Tel. 935-6841

Ann Ebesuno, Division Chief 961-0763 aebesuno@hgea.org
 Kehau Criste, Field Services Assistant 961-0766 kcriste@hgea.org
 Bernice Goodness-Viveiros, Field Services Technician 961-0765 bgoodnes@hgea.org
 Earl Hatada, Union Agent 961-0762 ehatada@hgea.org
 Lorena Kauhi, Union Agent 961-0761 lkauhi@hgea.org
 Moana Kelii, Union Agent 961-0767 mkelii@hgea.org

Field Services - Maui: Tel. 244-5508

Alton Watanabe, Division Chief 243-4465 awatanab@hgea.org
 Luke Kaneshiro, Union Agent 243-4462 lkaneshiro@hgea.org
 Marc-Andre Kirchhof, Union Agent 243-4463 mkirchhof@hgea.org
 Marian Miyaji, Field Services Technician 243-4461 mmiyaji@hgea.org
 Michele Mitra, Union Agent 243-4464 mmitra@hgea.org
 Leticia Sandoval, Field Services Assistant 243-4460 lsandoval@hgea.org



UNIVERSITY
of HAWAII®
MĀNOA

December 9, 2010

SUBJECT: Recruitment Report For The Position Of
Information Technology (Educational Technology Specialist)

To Whom It May Concern:

Ms. Ya-Wen Hsiao was selected for the position of Information Technology (Educational Technology Specialist) for the College of Health Sciences and Social Welfare/John A. Burns School of Medicine, Office of Medical Education at the University of Hawai'i at Mānoa, through a competitive recruitment and selection process.

The recruitment sources used to advertise the position included:

- State of Hawai'i's Oahu WorkLinks Honolulu, posted on August 4, 2010;
- University of Hawai'i's online Work at UH, posted on August 2, 2010 through September 4, 2010;
- Honolulu Star-Advertiser ad, posted on August 8, 2010 and August 15, 2010;
- Craigslist.org, advertised on August 5, 2010; and,
- University of Hawai'i's Student Employment & Cooperative Education, posted on August 15, 2010.

There was a total of four (4) applicants who responded to the overall recruitment effort. One candidate later declined to be interviewed and withdrew his application for the position. The remaining three applicants were interviewed by the Office of Medical Education's Selection Committee with the outcome of one candidate being identified as the selectee for the position of Educational Technology Specialist position.

Two (2) candidates did not meet all of the minimum and desirable qualifications. Ms. Hsiao was interviewed and found to meet both minimum and desirable qualifications as stipulated for the Educational Technology Specialist position.

Sincerely,

A handwritten signature in black ink, appearing to read "Damon Sakai".

Damon Sakai, M.D.
Director, Office of Medical Education

Position No(s). 0078233

Minimum Qualifications

1. Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.
2. Considerable working knowledge of the use of computers for teaching, training and /or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.
3. Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).
4. Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluation, integrate, and implement practical and thorough solutions in an effective and timely manner.
5. Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.
6. Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.
7. For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.
8. Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.
9. Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.
10. Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.
11. Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.
12. Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.
13. Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

Desirable Qualifications

1. Knowledge of medical education or curriculum management.
2. Knowledge of troubleshooting procedures & practices for hardware, software, & connectivity in a distributed computing environment.
3. Considerable knowledge of hand held devices including iPhone, Palm, WindowsMobile, and Smart Phones & their software applications.
4. Knowledge of student financial accounting and human resource information systems.

University of Hawai'i
BOR Recruitment/Selection Form

Selectee's Name: Hsiao, Ya-Wen Position Title: INFORMATION TECHNOLOGY

Position No. 0078233 Rank/Band: PBB FTE: 100% Appointment Begin: 2/1/2011

☐ Faculty Position or ☒ APT Position or ☐ E/M (Executive/Managerial) Position

☐ Temporary Appointment or ☒ Permanent Appointment

☒ New Hire or ☐ Transfer or ☐ Promotion

If Transfer or Promotion, the position selectee is leaving:

Position Title: _____ Rank/Band: _____ ☐ Temporary or ☐ Permanent

Department: _____ Campus: _____

Was there a screening committee or Department Personnel Committee?

☒ Yes ☐ No

No. members: 5

No. females: 2

No. minorities: 4

Are women or minorities underutilized for this position?

☒ Yes ☐ No

Group(s): Women, BLK, HSP, NA

Authorizations	Signer	Date Authorized
Reviewing Official:	<u>damon</u>	<u>12/2/2010 3:13:50 PM</u>
EEO/AA Designee:	<u>linday</u>	<u>12/2/2010 4:51:09 PM</u>
Chancellor, Dean, or Director:	<u>marga</u>	<u>12/3/2010 8:27:12 AM</u>

Screening Summary - Position No(s). 00782233																			
Applicant	Minimum Qualifications													Desirable Qualifications				Interviewed?	Rating
	1	2	3	4	5	6	7	8	9	10	11	12	13	1	2	3	4		
Ya-Wen Hsiao	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	yes	3
Lloyd A. Nakata	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	yes	3
James R. Shoemaker	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	no	3
Craig T. Spurrier	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	no	3
																			Selected and accepted offer
																			Did not meet MQs
																			Did not meet MQs
																			Withdrew &/or Declined interview

OMB Approval: 1205-0466
Expiration Date: 11/30/2011Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of LaborPlease read and review the instructions carefully before completing this form and print legibly. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>.

A. Employment-Based Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *

PERM

B. Requestor Point-of-Contact Information

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
NAKAYAMA	SIGNE	R.N.
4. Contact's job title *		
IMMIGRATION SPECIALIST		
5. Address 1 *		
UNIV. OF HAWAII, FACULTY & SCHOLAR IMM. SVCS.		
6. Address 2		
2565 MCCARTHY MALL, PSB 105		
7. City *	8. State *	9. Postal code *
HONOLULU	HI	96822
10. Country *	11. Province	
UNITED STATES OF AMERICA	N/A	
12. Telephone number *	13. Extension	14. Fax Number
808-956-0935	N/A	808-956-5030
15. E-Mail Address		
signen@hawaii.edu		

C. Employer Information

1. Legal business name *		
UNIVERSITY OF HAWAII		
2. Trade name/Doing Business As (DBA), if applicable		
N/A		
3. Address 1 *		
2565 MCCARTHY MALL, PSB 106		
4. Address 2		
FACULTY & SCHOLAR IMMIGRATION SERVICES		
5. City *	6. State *	7. Postal code *
HONOLULU	HI	96822
8. Country *	9. Province	
UNITED STATES OF AMERICA	N/A	
10. Telephone number *	11. Extension	
808-956-6374	N/A	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS code (must be at least 4-digits) *	
996000354	611310	

D. Job Offer Information

a. Job Description:

1. Job Title *	
INFORMATION TECHNOLOGY SPEC. (EDUCATIONAL TECH. SPEC.)	
2. Suggested SOC (ONET/OES) code *	2a. Suggested SOC (ONET/OES) occupation title *
15-1031.00	Computer Software Engineers, Applications

ETA Form 9141

FOR DEPARTMENT OF LABOR USE ONLY

Page 1 of 6

PW Tracking Number: P-100-10244-371217

Case Status: REDETERMINATION MODI Validity Period: 09/30/2010 to 07/01/2011

OMB Approval: 1205-0466
Expiration Date: 11/30/2011Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor**a. Job Description** (continued)

3. Number of hours of work per week *		3a. Hourly Work Schedule *	
Basic: <u>40</u> Overtime*: <u>0</u>		From 07:45 AM to 03:30 PM	
4. Job Title of Supervisor for the Workers (if applicable) DIRECTOR OF MEDICAL EDUCATION			
5. Does this position supervise the work of other employees? *		5a. If yes, number of employees worker will supervise (if applicable) <u>N/A</u>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Job duties – A description of the job duties to be performed MUST begin in this space. If necessary, add attachment to <u>continue and complete</u> description. *			
SEE ADDENDUM			
7. Will travel be required in order to perform the job duties? *		7a. If "Yes", please explain the travel requirements:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		N/A	
8. Are there any other working conditions that affect the rate of pay? *		8a. If "Yes", please specify the working conditions.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		N/A	

ETA Form 9141

FOR DEPARTMENT OF LABOR USE ONLY

Page 2 of 6

PW Tracking Number: P-100-10244-371217Case Status: REDETERMINATION MODIF Validity Period: 09/30/2010 to 07/01/2011

OMB Approval: 1205-0466
Expiration Date: 11/30/2011Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor**b. Minimum Job Requirements:**

1. Education: minimum U.S. diploma/degree required *	
<input type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input checked="" type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Other degree (JD, MD, etc.)	
1a. If "Other degree" in question 1, specify the diploma/degree required N/A	1b. Indicate the major(s) and/or field(s) of study required (May list more than one related major and more than one field) MIS/COMP SCI/PROJ. MGMT/RELATED
2. Does the employer require a second U.S. diploma/degree? *	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2a. If "Yes" in question 2, indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required N/A	
3. Is training for the job opportunity required? *	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3a. If "Yes" in question 3, specify the number of months of training required N/A	3b. Indicate the field(s)/name(s) of training required (May list more than one related field and more than one type) N/A
4. Is employment experience required? *	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4a. If "Yes" in question 4, specify the number of months of experience required 36	4b. Indicate the occupation required INFORMATION TECHNOLOGY
5. Special Requirements - List specific skills, licenses/certificates/certifications, and requirements of the job opportunity. * SEE ADDENDUM	

c. Place of Employment Information:

1. Worksite address 1 * UHM JOHN A. BURNS SCHOOL OF MEDICINE	
2. Address 2 651 ILALO ST.	
3. City * HONOLULU	4. County * HONOLULU
5. State/District/Territory * HI	6. Postal code * 96813
7. Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? *	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7a. If Yes in question 7, identify the geographic place(s) of employment with as much specificity as possible. If necessary, submit an attachment to <u>continue and complete</u> a listing of all anticipated worksites. N/A	

ETA Form 9141

FOR DEPARTMENT OF LABOR USE ONLY

Page 3 of 6

PW Tracking Number: P-100-10244-371217 Case Status: REDETERMINATION MODIF Validity Period: 09/30/2010 to 07/01/2011

OMB Approval: 1205-0466
Expiration Date: 11/30/2011Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor

E. Prevailing Wage Determination

FOR OFFICIAL GOVERNMENT USE ONLY	
1. PW tracking number P-100-10244-371217	2. Date PW request received 09/01/2010
3. SOC (ONET/OES) code 15-1034.00	3a. SOC (ONET/OES) occupation title Computer Software Engineers, Applications, Non R&D
4. Prevailing wage \$ 44208.00	4a. Wage level <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input checked="" type="checkbox"/> N/A
5. Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year <input type="checkbox"/> Piece Rate	
5a. If Piece Rate is indicated in question 2, specify the wage offer requirements :*	
N/A	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES <input checked="" type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other/Alternate Survey	
6a. If "Other/Alternate Survey" in question 6, specify	
N/A	
7. Additional Notes Regarding Wage Determination The wage is issued based upon the CBA document provided by the employer.	
8. Determination date 09/30/2010	9. Expiration date 07/01/2011

F. OMB Paperwork Reduction Act (1205-0466)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondent's reply to these reporting requirements is mandatory to obtain the benefits of temporary employment certification (Immigration and Nationality Act, Section 101). Public reporting burden for this collection of information is estimated to average 55 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Office of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW * Washington, DC * 20210. Do NOT send the completed application to this address.

ETA Form 9141

FOR DEPARTMENT OF LABOR USE ONLY

Page 4 of 6

PW Tracking Number: P-100-10244-371217 Case Status: REDETERMINATION MODIF Validity Period: 09/30/2010 to 07/01/2011

OMB Approval: 1205-0466
Expiration Date: 11/30/2011

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



ADDENDUM

SECTION D.a.6: Job Duties

DEVELOPS MEDICAL EDUCATION AND ADMINISTRATIVE SOFTWARE APPLICATIONS FOR JOHN A. BURNS SCHOOL OF MEDICINE (JABSOM), UTILIZING PERSONAL DATA ASSISTANTS (PDA), WEB, & OTHER INTERFACES, PACKAGES & IN-HOUSE DEVELOPED SOFTWARE PROGRAMS, & DATA REPOSITORIES IN A DISTRIBUTED ENVIRONMENT. SYSTEM ADMINISTRATION: MANAGES & ADMINISTERS APPLICATIONS USED BY FACULTY, STAFF, & STUDENTS FOR MEDICAL EDUCATION, INCLUDING USER ADMINISTRATION, SECURITY MANAGEMENT, & VIRGUAL GROUP MANAGEMENT. DESIGNS, IMPLEMENTS, & INTEGRATES SUBSYSTEMS OF MEDIUM TO HIGH COMPLEXITY USING A VARIETY OF PROGRAMMING LANGUAGES, INCLUDING MICROSOFT ACCESS, VISUAL BASIC, ACTIVE SERVER PAGES, .NET, SQL, & PHP. TESTS & DEBUGS SYSTEMS OF MEDIUM TO HIGH COMPLEXITY FOR A DISTRIBUTED COMPUTING ENVIRONMENT. MOBILE DEVICES: PROVIDES APPLICATION TRAINING & SUPPORT, AS WELL AS TECHNICAL SUPPORT/TROUBLESHOOTING FOR MOBILE DEVICE ACCESS (IPHONE, WINDOWS MOBILE, PALM, BLACKBERRY, ETC.) & APPLICATIONS (T-RES) FOR COURSEWORK/CLINICAL ROTATIONS. PREPARES WRITTEN TECHNICAL DOCUMENTATION FOR SYSTEMS OF MEDIUM TO HIGH COMPLEXITY. GENERATES MATERIALS & CONDUCTS TRAINING FOR END-USERS INCLUDING FACULTY, STAFF & STUDENTS ON USE OF SOFTWARE, WEB APPLICATIONS, PDAs, DATABASES, ETC. DATABASE MANAGEMENT: DESIGNS, DEVELOPS, IMPLEMENTS & MAINTAINS DATABASES SUPPORTING STUDENT EDUCATION & CURRICULUM ADMINISTRATION. DATABASE MANAGEMENT: SUPPORTS STATISTICAL ANALYSIS & DATA MANAGEMENT OF EXAM RESPONSES, SURVEY QUESTIONS, COURSE MATERIALS, AND CURRICULUM MAP. KEEPS ABREAST OF EMERGING TECHNOLOGIES & TRENDS IN HIGHER EDUCATION BY REVIEWING ARTICLES IN TRADE JOURNALS, PERIODICALS, TECHNICAL MANUALS, ETC. IN BOTH PAPER & ELECTRONIC FORMATS & BY ATTENDING CLASSES, CONFERENCES, PRESENTATIONS. IDENTIFIES TECHNOLOGIES APPLICABLE TO OR OF POTENTIAL USE TO JABSOM; ACQUIRES KNOWLEDGE OF THESE TECHNOLOGIES/SYSTEMS, HARDWARE/SOFTWARE IN ORDER TO PERFORM CURRENT DUTIES & ADVISE USERS ON THE APPLICATION OF IDENTIFIED TECHNOLOGIES. ASSISTS USERS IN EVALUATING & SELECTING APPROPRIATE COMPUTER HARDWARE & SOFTWARE TO MEET OPERATIONAL REQUIREMENTS OR PROBLEM RESOLUTION; ALSO, PROVIDES TECHNICAL CONSULTING ON THE IMPLEMENTATION & APPLICATION OF SELECTED SOLUTIONS. INTEGRATES IT SKILLS AND KNOWLEDGES IN SUPPORT OF JABSOM'S EDUCATIONAL MISSION, WHICH MAY INCLUDE THE USAGE OF PRINCIPLES OF EDUCATION IN CONJUNCTION WITH LEADING EDGE TECHNOLOGY FOR JABSOM. OTHER DUTIES AS ASSIGNED. D.B.4.B. 3 YRS PROGRESSIVELY RESPONSIBLE PROFESSIONAL IT EXP. SPECIAL REQ. (CONT'D) - AND THOROUGH SOLUTIONS IN AN EFFECTIVE & TIMELY MANNER. DEMONSTRATED ABILITY TO INTERPRET & PRESENT INFORMATION & IDEAS CLEARLY AND ACCURATELY IN WRITING, VERBALLY & BY PREPARATION OF REPORTS & OTHER MATERIALS. DEMONSTRATED ABILITY TO ESTABLISH & MAINTAIN EFFECTIVE WORKING RELATIONSHIPS W/INTERNAL & EXTERNAL ORGANIZATIONS, GROUPS, TEAM LEADERS & MEMBERS, & INDIVIDUALS. FOR SUPERVISORY WORK, DEMONSTRATED ABILITY TO LEAD SUBORDINATES, MANAGE WORK PRIORITIES & PROJECTS, & MANAGE EMPLOYEE RELATIONS. ANY EQUIVALENT COMBO OF EDUCATION AND/OR PROFESSIONAL WORK EXP. WHICH PROVIDES REQUIRED EDUCATION, KNOWLEDGE, SKILLS & ABILITIES AS INDICATED. CONSIDERABLE WORKING KNOWLEDGE OF SCRIPTING LANGUAGES & WEB DEVELOPMENT PLATFORMS SUCH AS ASP, ASP.NET, PHP, AND PERL. CONSIDERABLE WORKING KNOWLEDGE OF SYSTEMS ADMINISTRATION AS RELATED TO USER PROVISIONING, SECURITY MGMT., SYSTEMS OPTIMIZATION, UPGRADE IMPLEMENTATION, & CUSTOMER SERVICE. KNOWLEDGE OF APPLICATION DEVELOPMENT AS DEMONSTRATED BY A COMPREHENSIVE UNDERSTANDING OF CURRENT APPLICATION DEVELOPMENT PRINCIPLES & METHODOLOGY. WORKING KNOWLEDGE OF DATABASE INTEGRATION & MGMT. INCLUDING SQL AND MYSQL, & ABILITY TO CREATE RELATIONAL DATABASES AS NEEDED. CONSIDERABLE KNOWLEDGE OF THE LIMITATIONS, CAPABILITIES, USES FOR DESKTOP APPLICATIONS (MICROSOFT WORD, MICROSOFT EXCEL, MICROSOFT POWERPOINT, MICROSOFT OUTLOOK).

Case Number: P-100-10244-37-1217 Case Status: REDETERMINATION MODIFIED Validity Period: 09/30/2010 to 07/01/2011

Page 5 of 6

OMB Approval: 1205-0466
Expiration Date: 11/30/2011

Application for Prevailing Wage Determination
ETA Form 9141
U.S. Department of Labor



ADDENDUM

SECTION D.b.5: Special Requirements

CONSIDERABLE WORKING KNOWLEDGE OF USE OF COMPUTERS FOR TEACHING, TRAINING AND/OR LEARNING (E.G., EDUCATIONAL TECHNOLOGY SYSTEMS) AS DEMONSTRATED BY THE BROAD KNOWLEDGE AND UNDERSTANDING OF THE FULL RANGE OF PERTINENT STANDARD AND EVOLVING INFO. TECH. CONCEPTS, PRINCIPLES AND METHODOLOGY. CONSIDERABLE WORKING KNOWLEDGE & UNDERSTANDING OF BROAD T TECHNOLOGY, SYSTEMS, HARDWARE AND SOFTWARE ASSOCIATED W/APPLICATION DEVELOPMENT, TEACHING, TRAINING, AND/OR LEARNING W/TECHNOLOGY (E.G., EDUC. TECH.). DEMONSTRATED ABILITY TO RECOGNIZE A WIDE RANGE OF INTRICATE PROBLEMS, USE REASONING & LOGIC TO DETERMINE ACCURATE CAUSES, & APPLY PRINCIPLES AND PRACTICES TO DETERMINE, EVALUATION, INTEGRATE, AND IMPLEMENT PRACTICAL (CONT'D D.A.6)

ETA Form 9141

FOR DEPARTMENT OF LABOR USE ONLY

Page 6 of 6

Case Number: P-100-10244-371217

Case Status: REDETERMINATION MODIFIED Validity Period: 09/30/2010 to 07/01/2011

Hawaii Job Order Print Document

Job Order: 1204564

Office: Oahu WorkLinks Honolulu

Location:

Main Address:

UHM John A. Burns School of Medicine - Ofc of
Medical Education
651 ILALO Street MEB

HONOLULU, HI 96813

Contact:

Contact: Damon Sakai

Phone: (808) 692-1001 x Fax:

Job Details:

Occupational Code: 15103100 Computer Software Engineers, Applications

Job Title: Informational Technology (Educational Technology Specialist)

Industry Code: 611310 - This industry comprises establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. Illustrative Examples: Colleges (except junior colleges); Military academies, college level; Professional schools (e.g., business administration, dental, law, medical); Theological seminaries offering baccalaureate or graduate degrees; Universities

Number of Positions: 1

Earliest Date to Display: 8/4/2010

Type of Job: 1

Duration: Over 150 Days

Job Duties and Skills:

Description:

- Develops medical education and administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment.
- System Administration: manages & administers applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management.
- Designs, implements & integrates subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP.
- Tests & debugs systems of medium to high complexity for a distributed computing environment.
- Mobile Devices: provides application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations.
- Prepares written technical documentation for systems of medium to high complexity.
- Generates materials & conducts training for end-users including faculty, staff, & students on use of software, web applications, PDAs, Databases, etc.
- Database Management: Designs, develops, implements & maintains databases supporting student education & curriculum administration.
- Database Management: supports statistical analysis & data management of exam responses, survey questions, course materials, and curriculum map.
- Keeps abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations.

Print Date: 8/6/2010 3:29:14 PM

LWIA/Region: Oahu

Mailing Address:

UHM John A. Burns School of Medicine - Ofc of
Medical Education
651 ILALO Street MEB
HONOLULU, HI 96813

Title: Director & Associate Professor

Email:

Referrals: 25

Last Date Job Order Will Display: 9/3/2010

Full Time or Part Time: 1

Special Job Category: 1

- Identifies technologies applicable to or of potential use to JABSOM; acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies.
- Assists users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution; also, provides technical consulting on the implementation & application of selected solutions.
- Integrates IT skills and knowledges in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM.
- Other duties as assigned

Special Software/Hardware Skills Needed: No

Special Skills:

- Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.
 - Considerable working knowledge of the use of computers for teaching, training and /or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.
 - Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).
 - Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluation, integrate, and implement practical and thorough solutions in an effective and timely manner.
 - Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.
 - Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.
 - For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.
 - Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.
 - Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.
 - Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.
 - Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.
 - Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.
 - Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).
- Desirable Qualifications:
- Knowledge of medical education or curriculum management.
 - Knowledge of troubleshooting procedures & practices for hardware, software, & connectivity in a distributed computing environment.
 - Considerable knowledge of hand held devices including iPhone, Palm, WindowsMobile, and Smart Phones & their software applications.
 - Knowledge of student financial accounting and human resource information systems.

Job Requirements:

Applicant #1

Ya-Wen Hsiao

Minimum Age:

Test Done By: **No test required**

Required Tests: **NA**

Hiring Requirements: **Reference Checks**

Hiring Requirements Other: **Submit cover letter indicating how you satisfy the minimum and desirable qualifications, UH Form 64 (standard format) (large format), resume, names of 3 professional references which include phone numbers and email addresses and official transcripts (copies accepted, however originals required upon hire) to the address below. Address: Lori Chau UH, John A. Burns School of Medicine Office of Medical Education 651 Ilalo Street, Medical Education Bldg., 3rd Floor Honolulu, HI 96813**

Education Level: **Bachelors Degree**

Months of Experience: **36**

Requires a Drivers License: **No**

Drivers License Certification:

Drivers License Endorsements:

Compensation and Hours:

Minimum Salary: **3684.00 Month**

Maximum Salary: **3684.00 Month**

Pay Comments: **DOE (Depends on Experience)**

Supplemental Compensation: **No**

Types of Compensation:

Hours per Week: **Hours are Specific**

Actual Hours: **40**

Shift: **Not Applicable**

Benefits:

Other Benefits: **No Benefits Listed**

Near Public Transportation: **No**

Job Order Information to be Displayed Online:

Job Order Information Online: **Job details, employer name and contact information will be displayed online.**

Job Order Methods Accepted:

How to Apply: **Online Resume, Mail, Apply at Job Service**

Company Website: **NA**

Application Comments:

Submit cover letter indicating how you satisfy the minimum and desirable qualifications, UH Form 64 (standard format) (large format), resume, names of 3 professional references which include phone numbers and email addresses and official transcripts (copies accepted, however originals required upon hire) to the address below.

Address:

Lori Chau

UH, John A. Burns School of Medicine

Office of Medical Education

651 Ilalo Street, Medical Education Bldg., 3rd Floor

Honolulu, HI 96813

Other Information:

Green Job: **Not Specified**

Subsidized by ARRA (Stimulus): **No**

Featured Job: **No**

In an Enterprise Zone: **No**

Federal Contractor: **No**

Court Ordered Affirmative Action: **No**

Staff Information:

Category: **Regular (Non Domestic)**

Job Developer Mandatory Listing: **NA**

Status: **Open and available**

Employer Status: **Open and available**

Reason: **NA**

Healthcare

Family Practice Physician
Pearl Harbor
Full-time and Part-time
M-F, 7:30am - 4:30pm
Excellent Pay
Requires: MO/DO
Board Certification, Any
State License & BLS
Contact: Erica Hoyle
808.235.9822/4246
Erica.Hoyle@
spectrumbh.com
EOE/AF/DF

Full-time Nurse Admin
Private duty Home Care
Day & Night Shifts
\$12.50/hr
Manoa Senior Care
Ph: 440-0560
Fax: 531-8865

HMA Inc.
Making Health Insurance
in Hawaii Competitive
Prior Auth
Specialists
Coordinating (reimbursement)
prior auth requests from
healthcare providers.
Data entry
Assist nurse case
managers w/ hospital
admissions.
Submit resumes & Wage
Requirements:
Fax: 866-293-9662
or email: employment
@hmac.com

Nursefinders
The Professional Choice
Largest healthcare staffing
co. in the nation. Rates
vary. RNs, LPNs, CNAs, EMs
extra \$35-\$750.

Med-Assist School of Hawaii
Director of Student
Services
Adding, tutoring,
recruiting, placement,
substitute teaching,
statistical reports.
Skills: ex communication,
computer, customer
service, multi-tasking.
Rec'd degree+1 yr exp
teaching and medical
background, dependable,
positive, mature,
minded.
Email resume to:
info@masd.edu

Medical Receptionist
P/T in Orthopedic Office
located in Ala. Please
Fax Resume: 487-9819
SOCIAL WORK
Social Service Reps for
Shofar Barracks and
Trident AFB. Must have
a BSW and 12 months
experience working with
children/family with
abused/abusing and
returning to
866-364-6424 EOE

URGENT!!!
Family Physician @
Yokota Air Base
September 2020 -
Min 2 yrs exp
Great pay and benefits!!
Please contact
Interstate International Inc.
(800)922-8245
Or send resume to
Hawaii@interstate.com

Janitorial Maintenance
Facilities
Operations
Manager
Premium Outlets - a
division of Simon
Property Group seeks a
Facilities Operations
Manager for Waikiki
Premium Outlets.
The successful
candidate will be
hands-on and have
varied exp in electrical,
plumbing, painting,
carpentry, mechanical,
roof repairs & safety
systems. Resp
include overseeing
custodial and grounds
maintenance contractor
services, safety audits &
work documentation.
Assess the General
Manager in overall
management of shop, on-
site supervision of all
contractors, obtaining
bids for goods and
services procure-
ment & budget mgmt.
Proficiency in
Lotus, MS Word & Excel
is a plus. Must be
avail to work weekends.
Competitive
compensation pkg.
w/ group benefit plans.
E-mail or fax your
Resume with
salary req'ts to:
cfo@simon.com
attention: corp or
808-578-9700
EOE - M/F/D/V

Security
Security/Watchperson
Hawaii Kai Condo P/T -
casual hire
Fridays & Saturdays 8:30
pm - 6:00 am. Hourly pay
based on exp.
Send resume to:
TPL fax #556-4110

Restaurant Food Service
Aracdia
Community Services
Full Time Cook
Waitstaff
(casual hire)
To apply send a resume
to 983-1718 or call the
Job Line 983-1770. EOE

COOK & DISHWASHER
Apply in person after 3pm
Michie's Restaurant
2835 Kalia Ave

QISHROOM OPERATOR
Part-time position avail-
able. Hours are Mon to
Fri 10am to 2:30pm.
Responsible for washing,
sterilizing and returning of
all dishes and family
dishes, utensils and
cups. Also assists in the
cleanup of the dish room
area. Prior food exp
experience preferred.
Interested applicants
should apply online at
www.punahoa.edu

Legal
ASSOCIATE
ATTORNEY
Law firm in downtown
area seeking attorney
w/ 2-5 yrs litigation
experience. Submit your
resume in confidence to
Administrator
Hughes & Lefontaine,
AUC, LLC
1003 Bishop Street,
Suite 2025
Honolulu, HI 96813

Professional Management

Applications Specialist
Min. 4 yrs. networking
& medical exp. in
electronic med rec sys-
tem exp. Strong in
hawaii/US/overseas
terms. Project mgmt
exp. req.
Apply on-line
www.shinmeh.org
& go to Career Center.
Email:
apshinmeh@shinmeh.org
or fax resume to:
808-531-8865

Human Resources
1310 Punahoa Street
Honolulu, HI 96826

Kula Ranch Hawaii
OPERATIONS
SUPERVISOR
Strong Leadership skills.
Supervisory Experience
Required. Effective verbal
& written communication.
AIV experience preferred.
Email Resume:
ljiang@kulaoa.com
www.kulaoa.com

Med-Assist School of Hawaii
Director
Min: 4 yr degree in
biological sciences or
education
Exp: ambulatory
health-care [MA or RN
preferred]
Keep up teaching,
management.
Accreditation, financial
aid and HR exp.
desirable. Email re-
sume to:
info@masd.edu

Miramar At Waikiki
Sales Manager
Basic Qualifications:
• Min. 3 years in Hotel
Sales Management
• Excellent verbal and
written communication
skills
• Ability to travel
• Self-motivated
• Have a track record of
sales success
Email resume to:
lisa@miramarhawaii.com
No phone calls please!

BUILDING ENGINEER
Responsible for the 7 X
24 hour operations and
maintenance of building
infrastructure and
operating systems in a
cost effective manner at
the FHB processing center.
Building operating
systems include HVAC,
plumbing, unbalanced
power supply (UPS),
emergency standby gen-
erator and fuel oil
system, automatic
transfer switches, fire
alarm and sprinkler
systems and other
electrical and electronic
systems. Minimum 5
years experience in
building engineering
and 5 years experience
managing the operation
and maintenance of a
facility with automated
control and/or equivalent
work-related experience
required. Must have at
least 3 years of
supervisory experience
and previous training
and experience in man-
aging the installation
and operation of equip-
ment, instruments or facilities.
Apply online at
fba.com/jobs
EOE/AA/Group-Use workplace

WANTED P/T COOKS
HOAKALEI
COUNTRY CLUB
In Ewa Beach
Call to 889-5051
or 889-5052
hr@haseco.com

Sales Professional
enjoy
Account Manager
Leading snack company
is seeking enthusiastic
individuals to sell and
merchandise its product
lines. Excellent customer
service w/ clean abstract.
Apply Mon-Fri 9am-3pm
2111A Wai'aleale Dr.
Fax Resume to 845-9770
Email:
ktm@haseco.com
Please No Phone Calls

OUTSIDE SALES
IMMEDIATE OPENING
Seeking individual with
strong customer service
skills to promote Hyster
fork lift line. Previous
equipment exp required.
Apply in person or email
or fax resume to:
808-531-8865

AMERICAN MACHINERY
91-238 Wai'aleale Blvd
Kapa'ole, Hawaii 96761
Ph: (808) 682-8282
Fax: (808) 682-0391
Email:
god@amsmach.com

HAWAII NATIONAL BANK
LOAN SERVICING
CLERK/SPECIALIST
CREDIT ANALYST
TELLERS
RELIEF TELLERS
BRANCH MANAGER
LOAN OFFICER
BUSINESS RELATIONSHIP
MANAGER
SALES AND SERVICING
REPRESENTATIVE
CUSTOMER SERVICE
SUPERVISOR
ASST. CUSTOMER SERVICE
SUPERVISOR

Subscribe Today!
538-NEWS
(6397)

Restaurant Food Service

Cook Helper
Full Time. Must be able
to report to work at
4:30pm. Previous prep
experience required.
Must be able to prepare
tray lines for healthcare
clients. 120+ meals per
service. Knowledge of
modified diets a plus.
Speed, accuracy & sanitation
critical.
Dishwasher
On-call. Flexible sched-
uled required, must be
able to work both morn-
ing (6am) & afternoon
(3-11pm) shifts. Speed,
accuracy & sanitation
critical.
Send Resume to:
PALO DINHISE HOME
2459 10th Ave.
Honolulu, HI 96816
Or email to:
lyoshida@palodinhise.com
Or Fax to: 735-1754
Or Call: 748-4931

COOK/REP
Caterer/industrial for talent-
ed individual w/ min 2 yr
exp. Year-round opportu-
nity starting 9/10/21. Full
resume/credentials:
cookprep@hawaii.com

COOKS/ BUS PERSON & SERVERS
F/T & P/T for small Italian
restaurant, Hl Diamond
Beach. Apply to: 737-6600
3106 Monstrat Ave.

COOKS P/T or F/T
Apply within at:
Honolulu Country Club
1690 Ala Punaluu St.
Salt Lake

GARDE MANAGER
FLEX RN
Honolulu Country Club
1690 Ala Punaluu
Inc's 441-9414

HIRING FOR ALL POSITIONS IN KAHALI
Must be self motivated
& have a track record of
sales success
Email resume to:
lisa@miramarhawaii.com
No phone calls please!

PASTRY / BAKER
AM, P/T. Over 10 yrs
pref'd. Excellent ben-
efits. Apply in person:
Waialae Country Club
4997 Kalia Ave

SERVER ON CALL
Exp helpful. Apply within
Honolulu Country Club
1690 Ala Punaluu
Mon-Fri 4-4pm

WANTED P/T COOKS
HOAKALEI
COUNTRY CLUB
In Ewa Beach
Call to 889-5051
or 889-5052
hr@haseco.com

Sale Professional
enjoy
Account Manager
Leading snack company
is seeking enthusiastic
individuals to sell and
merchandise its product
lines. Excellent customer
service w/ clean abstract.
Apply Mon-Fri 9am-3pm
2111A Wai'aleale Dr.
Fax Resume to 845-9770
Email:
ktm@haseco.com
Please No Phone Calls

OUTSIDE SALES
IMMEDIATE OPENING
Seeking individual with
strong customer service
skills to promote Hyster
fork lift line. Previous
equipment exp required.
Apply in person or email
or fax resume to:
808-531-8865

AMERICAN MACHINERY
91-238 Wai'aleale Blvd
Kapa'ole, Hawaii 96761
Ph: (808) 682-8282
Fax: (808) 682-0391
Email:
god@amsmach.com

HAWAII NATIONAL BANK
LOAN SERVICING
CLERK/SPECIALIST
CREDIT ANALYST
TELLERS
RELIEF TELLERS
BRANCH MANAGER
LOAN OFFICER
BUSINESS RELATIONSHIP
MANAGER
SALES AND SERVICING
REPRESENTATIVE
CUSTOMER SERVICE
SUPERVISOR
ASST. CUSTOMER SERVICE
SUPERVISOR

Subscribe Today!
538-NEWS
(6397)

Sale Profess

OUTSIDE SALES REP
Full product training,
bilingual, CCTV access
Sales exp, clean abstract
No car, no exp. No
401k. Fax resume to:
845-935-6611 for Email
SOMIROL 847-5566

SALES & MARKETING COORDINATOR
Bilingual
Japanese/English
Organized, detailed
professional to assist the
Sales & Marketing
Manager. Provide
customer service in phone,
email & direct sales.
Will also assist to
coordinate transportation
as well as creating
sales & marketing
material. Must be
proficient in MS Office.
Min 2-3 yrs of general
office exp. Previous
travel experience a plus.
TRAVEL PLAZA
TRANSPORTATION
Attn: Human Resources
818 Pina Street
Honolulu, HI 96817
Fax: 548-5212
Email: Email:
tobin@hawaii.com

SALES REP Looking
for a new career? If
you energetic, positive
and discipline with a
professional attitude
experience our 125 yr
old co. is looking
for Sales Reps. Base
commission \$18.00/hr.
benefit pkg Email or
fax resume to:
hawaii@hawaii.com
791-0190

COOK/REP
Caterer/industrial for talent-
ed individual w/ min 2 yr
exp. Year-round opportu-
nity starting 9/10/21. Full
resume/credentials:
cookprep@hawaii.com

COOKS/ BUS PERSON & SERVERS
F/T & P/T for small Italian
restaurant, Hl Diamond
Beach. Apply to: 737-6600
3106 Monstrat Ave.

COOKS P/T or F/T
Apply within at:
Honolulu Country Club
1690 Ala Punaluu St.
Salt Lake

GARDE MANAGER
FLEX RN
Honolulu Country Club
1690 Ala Punaluu
Inc's 441-9414

HIRING FOR ALL POSITIONS IN KAHALI
Must be self motivated
& have a track record of
sales success
Email resume to:
lisa@miramarhawaii.com
No phone calls please!

PASTRY / BAKER
AM, P/T. Over 10 yrs
pref'd. Excellent ben-
efits. Apply in person:
Waialae Country Club
4997 Kalia Ave

SERVER ON CALL
Exp helpful. Apply within
Honolulu Country Club
1690 Ala Punaluu
Mon-Fri 4-4pm

WANTED P/T COOKS
HOAKALEI
COUNTRY CLUB
In Ewa Beach
Call to 889-5051
or 889-5052
hr@haseco.com

Sale Professional
enjoy
Account Manager
Leading snack company
is seeking enthusiastic
individuals to sell and
merchandise its product
lines. Excellent customer
service w/ clean abstract.
Apply Mon-Fri 9am-3pm
2111A Wai'aleale Dr.
Fax Resume to 845-9770
Email:
ktm@haseco.com
Please No Phone Calls

OUTSIDE SALES
IMMEDIATE OPENING
Seeking individual with
strong customer service
skills to promote Hyster
fork lift line. Previous
equipment exp required.
Apply in person or email
or fax resume to:
808-531-8865

AMERICAN MACHINERY
91-238 Wai'aleale Blvd
Kapa'ole, Hawaii 96761
Ph: (808) 682-8282
Fax: (808) 682-0391
Email:
god@amsmach.com

HAWAII NATIONAL BANK
LOAN SERVICING
CLERK/SPECIALIST
CREDIT ANALYST
TELLERS
RELIEF TELLERS
BRANCH MANAGER
LOAN OFFICER
BUSINESS RELATIONSHIP
MANAGER
SALES AND SERVICING
REPRESENTATIVE
CUSTOMER SERVICE
SUPERVISOR
ASST. CUSTOMER SERVICE
SUPERVISOR

Subscribe Today!
538-NEWS
(6397)

Retail

Sales Associate, 20 temp
positions, 08/12/21
01/21/21 in Honolulu for
Fashion. Secrets. Sell
women's clothing, hand-
bags, accessories, opera-
te cash registers, assist
customers, stock, as-
sist. Ability to stand for
extended periods. 40-42"
+ comm, 40 W/M, M-set
30-34-36, Sun 31a-6p, 2
shifts. Random drug test,
ground, drug & alcohol
check 2 mgs. Apply at:
mccormick@hawaii.com or
call 808-838-1120

Skilled Labor Trade
EQUIPMENT
OPERATOR/DRIVER
Hawaii, a concrete and
construction contractor, is
looking for an equipment
operator who holds a valid
CDL license with a good
driving history.
Email resume to:
Recruiter@hawaii.com
or Call Deborah at
1-800-927-4263
EOE/M/F/O/V

LEGAL SECRETARY
Members. Must know
Word Perfect, Word
& Outlook. \$18.00/hr.
415-4165 or 533-0275

TRANSPORTATION
ACE TOWING SERVICE
Customer Service Rep
Tow Truck Driver
Call 741-0555

HAWAII STATE JUDICIARY
Website: www.courts.state.hi.us
CLOSING DATE: August 23, 2010

GROUNDKEEPER I
(\$2,769/Mo.) - Maui
KITCHEN HELPER
(\$2,769/Mo.) - Kapa'ole, O'ahu
Immediate Temporary Vacancy

SOCIAL WORKER
(Mental Health) - O'ahu
(\$2,769/Mo.)
Immediate Temporary Vacancy

O'AHU CONTINUOUS RECRUITMENTS
SUPERVISING COURT REPORTER II
Exempt Appointment (Non-Civil Service)
JUDICIARY HISTORY CENTER
JUDICIARY EDUCATION ASSISTANT
Temporary rate: \$20/11 - O'ahu
Send resume to: recruitment@courts.state.hi.us
For assistance, call 539-4949, (800)493-9298,
(800)746-7719 (TTY). EEO/AA Employer

Website: WORKATUH.HAWAII.EDU

UNIVERSITY OF HAWAII EMPLOYMENT OPPORTUNITIES
For full description and other employment listings, visit website above.
Appointments are full time unless otherwise specified and subject to funding and/or
position clearance. UH is an Equal Opportunity/Affirmative Action Institution.

EXECUTIVE
Univ Assoc General Counsel
for Legal Affairs & University
General Counsel, Manoa, #89276,
continuous recruitment, screening to
begin 8/18/10, 808-956-8601

FACULTY
Instructor, CC (Counselor)
Protective Order Program,
Kapa'ole Community College,
#866751, temp, closes 08/16/10,
808-734-9522

Assistant Extension Agent
(Fisheries Extension Agent), UHM
Sea Grant University of Hawaii at
Manoa, #701201, temp, closes
08/18/10, 808-956-7081

Instructor, CC (Construction Academy), Honolulu Community College, #74765, temp, closes 08/31/10, 808-445-9183

Assistant Specialist, Office of Faculty Development and Academic Support, O'DD, University of Hawaii at Manoa, #882651, temp, closes 08/19/10, 808-956-6878

ADMINISTRATIVE, PROFESSIONAL, & TECHNICAL
Institutional Support PBA (Adm & Fiscal Support Sp), Biological Oceanography Division, Dept of Oceanography, SOEST, Manoa Campus, #792021, temp, closes 08/31/10, 808-956-7633

Institutional Support PBA (PICOC Sport Specialist), Pacific Biosciences Res Ctr, CCRP, Manoa #792191, temp, closes 08/19/10, 808-956-3743

Information Technology PBB (Java Web App Dev), ITS, Manoa, #808241, temp, closes 08/31/10. For compit quals & how to apply visit www.hawaii.edu/its/jobs

Instructional and Student Support PBA or PBB (Banner Support Specialist), ITS, Manoa, #78390, temp, closes 08/24/10. For compit quals & how to apply visit www.hawaii.edu/its/jobs

Transportation

Driver School Bus
Part-time
Clean CDL license abstract
Required: Pearl City &
Waialua
Tomson's Buses
263-4455

Find Your Next Job

in
Hawaii's
Classifieds

and
Hawaii's
Jobs
in the
Honolulu
Star-Advertiser

521-9111
www.staradvertiser.com

ADMINISTRATIVE ASSISTANT/RECEPTIONIST

Pacific Office Properties, Hawaii's premier commercial real estate investment trust is seeking an experienced, motivated, detail-oriented Administrative Assistant.

Candidate must be professional, friendly, proficient in MS Excel/Outlook and will have excellent written and verbal communication skills. They will possess the ability to work independently and manage multiple tasks while maintaining a positive attitude. Must have previous office experience, graphic design skills a plus.

Pacific Office Properties offers a complete benefits package, including 401K and parking. Please send resume with salary requirements to hawaii@pacificofficeproperties.com or fax to (808) 544-1220. No Phone Calls Please.

TESORO
A growing non-profit providing services to infants, children and adults with developmental disabilities and their families through statewide programs.

COMMUNITY BASED PROVIDERS - OAHU (PT) & KAUAI (FT/PT)
Asts teens & adults w/DD. 1 on 1 community settings. Min. 24 hrs exp req'd. HS dip or equiv.

PROGRAM INSTRUCTOR - (EWA - FT)
Maintains caseload of participants in Adult Day Health program and support services for 15-20 participants. 85 deg & 2 yrs exp w/DD population.

1st Aid, CPR certification & TB Clearance req'd. for both jobs.
Please send cover letter, salary requirements & resume to:
ESH - HR Manager
710 Green Street, Honolulu, HI 96813
or email to apply@tesorohawaii.org
Visit our website at www.tesorohawaii.org
ESH is an equal opportunity employer

REHABILITATION HOSPITAL OF THE PACIFIC
Rebuilding Lives Together
Nursing Supervisor - Eves or Nights, Weekends
Referral Coordinator
RN, LPN, CNA
Word Clerk
Porter/Housekeeper
Patient Registrar - Part-Time
Call-In Positions:
Nursing
Referral Coordinator
Word Clerk
Patient Registrar
Housekeepers

For position details & to apply visit us at:
www.rehabhospital.org
Email: hr@rehabhospital.org
Fax: 544-3337 EOE

OFFICE OF HAWAIIAN AFFAIRS
HO'OU'LI LAHUI ALOHA:
To Raise a Beloved Nation
We currently have openings for us:
• Community Outreach Coordinator
• Part-time position located on the island of Lana'i
• Community Relations Specialist III
• Procurement Manager

BENEFITS: 21 Vacation Days • 13-14 Paid Holidays • Pension - State Employees Retirement System • Medical, Dental, Drug & Vision • 21 Sick Days • Group Term Life Insurance • Flexible Benefits Plan • Deferred Compensation
For further details, please visit our website:
www.oha.org
Please send resume and cover letter with salary history and requirements to:
OFFICE OF HAWAIIAN AFFAIRS
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813
Attention: Human Resources
Continuous Recruitment/Local Needs Are Met
An Equal Opportunity Employer

Facilities Planning & Design PBB
(Architectural Facilities and Grounds, #81209, closes 08/16/10, 808-956-8805

Research Support PBA (Research Associate), C of Trop Ag & Hum Res, Tropical C, C of Sciences, Manoa, #780331, temp, closes 08/17/10, 808-956-6584

Information Technology PBB
(Educational Technology Specialist), John A. Burns School of Medicine, Kakaako, #78233, closes 09/04/10, 808-962-1001

Enterprise Operations PBA (Asst Bookstore Mgr), Auxiliary Enterprises, Manoa Campus, #792281, temp, closes 08/18/10, 808-956-8022

Academic Support PBB
(Educational Sp), Office of Undergraduate Education-Honors Program, Manoa, #78132, closes 08/18/10, 808-956-6231

Instructional and Student Support PBA (Financial Aid Officer), Student Services, Leeward Community College, #792321, temp, closes 08/31/10, 808-455-0326

Instructional and Student Support PBA (Career & Technical Education Assistant), Student Services, Leeward Community College, #792331, temp, closes 08/31/10, 808-455-0326

Public Information, Public Events Planning and Publications PBA (Imaginarium Manager), Windward Community College, #78373, closes 08/24/10, 808-235-7362

ADMINISTRATIVE ASSISTANT/RECEPTIONIST

Pacific Office Properties, Hawaii's premier commercial real estate investment trust is seeking an experienced, motivated, detail-oriented Administrative Assistant.

Candidate must be professional, friendly, proficient in MS Excel/Outlook and will have excellent written and verbal communication skills. They will possess the ability to work independently and manage multiple tasks while maintaining a positive attitude. Must have previous office experience, graphic design skills a plus.

Pacific Office Properties offers a complete benefits package, including 401K and parking. Please send resume with salary requirements to hawaii@pacificofficeproperties.com or fax to (808) 544-1220. No Phone Calls Please.

TESORO
A growing non-profit providing services to infants, children and adults with developmental disabilities and their families through statewide programs.

COMMUNITY BASED PROVIDERS - OAHU (PT) & KAUAI (FT/PT)
Asts teens & adults w/DD. 1 on 1 community settings. Min. 24 hrs exp req'd. HS dip or equiv.

PROGRAM INSTRUCTOR - (EWA - FT)
Maintains caseload of participants in Adult Day Health program and support services for 15-20 participants. 85 deg & 2 yrs exp w/DD population.

1st Aid, CPR certification & TB Clearance req'd. for both jobs.
Please send cover letter, salary requirements & resume to:
ESH - HR Manager
710 Green Street, Honolulu, HI 96813
or email to apply@tesorohawaii.org
Visit our website at www.tesorohawaii.org
ESH is an equal opportunity employer

REHABILITATION HOSPITAL OF THE PACIFIC
Rebuilding Lives Together
Nursing Supervisor - Eves or Nights, Weekends
Referral Coordinator
RN, LPN, CNA
Word Clerk
Porter/Housekeeper
Patient Registrar - Part-Time
Call-In Positions:
Nursing
Referral Coordinator
Word Clerk
Patient Registrar
Housekeepers

For position details & to apply visit us at

Medical Receptionist
7/1 in Orthopedic Clinic
located in Ala. Please
Fax Resume: 487-0884

SOCIAL WORK
Social Service Reps for
Schoolfield Barred and
Tribal AHC. Must have
a BSW and 12 months
experience working with
children/family who are
abused/neglected. Send
resume to:
866-364-6424 EOE

URGENT!!!!
Family Physician @
Yokota Air Base
(Tokyo/Japan)
September 2010 -
Min 2 yrs exp
Great pay and benefits!!
Please contact
Interstate International Inc.
(800)922-8869
Or send resume to
Hawaii@interstate.com

**Janitorial
Maintenance**

**FACILITIES
OPERATIONS
MANAGER**
Premium Outlets o
division of Sun
Property Group seeks a
Facilities Operations
Manager for Waikale
Premium Outlets.
The successful
candidate will be
hands-on and have
varied exp in electrical,
plumbing, painting,
carpentry, mechanical,
roof repairs & safety
systems. Rep
include overseeing
custodial and grounds
maintenance contracts
services, safety audits &
work documentation.
Assists the General
Manager in overall
maintenance of shopping
ctr. on-site supervision
of all contractors,
obtaining bids for goods
and services procure-
ment & budget mgmt.
Proficiency in Lotus, MS Word & Excel
is a plus. Must be
avail to work weekends.
Competitive
compensation pkg.
w/group benefit plans.
E-mail or fax your
Resume with
salary history to:
craig@hawaii.com
or call 808-676-9700
EOE - M/F/V/O

HOUSE CLEANERS

F/T Mon-Sat Starting
\$9/hr. No exp necessary.
Pls Call: 487-8164

Legal

**ASSOCIATE
ATTORNEY**
Law firm in downtown
area seeking attorney
w/2-5 yrs insurance
defense experience.
Submit your resume in
confidence to:
Administrator
Hughes & LaFountaine,
AUC, LLC
1003 Bishop Street,
Suite 2525
Honolulu, HI 96813

Legal Assistant
Legal assistant for Partner
to coordinate cases and
deadlines in a fast-paced
environment. Self-starter
able to work w/out close
supervision. Must have 2-
5 yrs legal exp. preferably
including non-judicial
representations. Word, Excel
and Access exp. critical.
Typing 50+ wpm. Detail
oriented w/ positive atti-
tude and dependability.
Excellent organizational,
prioritizing and people
skills a must. Great op-
portunity for multi-tasking,
independent worker.
Mail or e-mail resume to:
Dwyer Schmitt Meyer
Grant & Green
900 Ford Street Mail
Suite 1800
Honolulu, HI 96813
iredudon@weview.com

Reach for the Star
subscribe today
538-NEWS

**First Hawaiian Bank
BUILDING
ENGINEER**
Responsible for the 7 X
24 hour operations and
maintenance of building
infrastructure and
operating systems in a
cost effective manner at
the FHB processing cen-
ter. Building operating
systems include HVAC,
plumbing, uninterruptible
power supply (UPS),
emergency standby
generators and fuel
system, automatic
transfer switches, fire
alarm and sprinkler
systems and other
electrical and electronic
systems. Minimum 5
years of building
engineering experience
and 5 years experience
managing the operation
and maintenance of a
facility with automated
controls and/or equivalent
work-related experience
required. Must have at
least 3 years of
supervisory experience
and previous training and
experience in managing
the installation and
operation of equipment,
instruments or facilities.
Apply online at
fbb.com/jobs
EOEAA Drug-free workplace

Security

Security/Watchperson
Hawaii Kai Condo P/T -
Overnight shift, Thursday,
Friday, & Saturdays 8:30
pm - 6:00 am. Hourly pay
based on experience.
Send resume to:
TPI, Fax #566-4110

**Restaurant
Food Service**

**Arcadia
Community Services**
Full time Cook
Waltstaff
[casual hire]
To apply send a resume
to 983-7178 or call the
Job Line 983-1770. EOE

COOK & DISHWASHER

Apply in person after 3pm
Michael's Restaurant
2895 Kalaheua Ave

DISHROOM OPERATOR

Part-time position avail-
able. Hours one Mon to
Fri 11am to 2:30pm
Responsible for washing,
stacking and returning of
all student and faculty
dishes, utensils and
cups. Also assists in the
cleanup of the dish room
area. Prior food service
experience preferred.
Interested applicants
should apply online at
www.psu.edu.

PASTRY / BAKER
AM, P/T. Experience
preferred. Excellent bene-
fits. Apply in person:
Waialae Country Club
4997 Kalaheua Ave
4997 Kalaheua Ave

SERVER ON CALL
Exp helpful. Apply within
Honolulu Country Club
4997 Kalaheua Ave
Mon-Fri 8-4pm

**WANTED
P/T COOKS**
**HOAKALEA
COUNTRY CLUB**
In Sea Beach
Fax to 589-2051
or email to
hr@hsc.com

**Sales
Professional**
enjoy
Account Manager
Account Rep
Leading snack company
is seeking enthusiastic
individuals to sell and
merchandise its product
lines. Excellent customer
service w/ clean attire.
Apply Mon-Fri 9am-3pm
2111A Wilcox Lane or
Fax Resumes to 845-9770
Email:
kmljoh@yahoo.com
Please No Phone Calls

**OUTSIDE SALES
IMMEDIATE OPENING**
Seeking individual with
strong customer service
skills to promote Hyatt
Lift Truck line. Previous
equipment exp required.
Apply in person or email
or fax resume to:
**AMERICAN
MACHINERY**
91-238 Kalaheua Blvd
Kapolei, HI 96763
Fax: (808) 682-0391
Fax: (808) 682-0391
EOE/AA/DFW/AA/DFW

HAWAII NATIONAL BANK
**LOAN SERVICING
CLERK/SPECIALIST
CREDIT ANALYST
TELLERS
RELIEF TELLERS
BRANCH MANAGER
LOAN OFFICER
BUSINESS RELATIONSHIP
MANAGER
SALES AND SERVICING
REPRESENTATIVE
CUSTOMER SERVICE
SUPERVISOR
ASST. CUSTOMER SERVICE
SUPERVISOR**
Email Resume:
HRInfo@HNHawaii.com
Fax Resume: (808) 528-7795
For inquiries Call: (808) 528-7793
Learn More at
www.hawaiinational.com
An Equal Opportunity Employer - M/F

THE ISLANDER GROUP

The Islander Group, through its various divisions, provides services over 1000 customers, both work and domestic, 8,000 different items. We are looking for a few good men and women to join our team!

DIVISIONAL SALES MANAGER

Responsible for managing all aspects of our Health & Beauty Care Division state-wide, to include repre-
sented a combination of 16 sales reps and merchandisers. Previous managerial experience a must!

ACCOUNT MANAGER - OAHU

Responsible for following a weekly route schedule, calling on our existing retail customers to place
orders and call new firms and grow the business within each store.

MERCHANDISER - OAHU

Responsible for stocking and merchandising our products on the store shelves of Hawaii's retailers.
Applicants must be friendly, hard working and have a positive attitude.

Applicants may e-mail resumes to hr@islandergroup.com, OR, fax resumes to (808)676-5156.
No phone calls please.

SOCIAL WORKER
(Mental Health) V - O'ahu
(\$4,276/Mo.)
Immediate Temporary Vacancy
O'AHU CONTINUOUS RECRUITMENTS
SUPERVISING COURT REPORTER II
Exempt Appointment (Non-Civil Service)
JUDICIARY HISTORY CENTER
JUDICIARY EDUCATION ASSISTANT
Temporary, n/c: 6/30/11 - O'ahu
send resume to: recruitment@courts.state.hi.us
For assistance, call 539-4949, (800)493-9298,
(800)746-7719 (TTY). EOE/AA Employer

Website: WORKATUH.HAWAII.EDU

UNIVERSITY OF HAWAII EMPLOYMENT OPPORTUNITIES

For full description and other employment listings, visit website above.
Appointments are full time unless otherwise specified and subject to funding and/or
position clearance. UH is an Equal Opportunity/Affirmative Action Institution.

EXECUTIVE
Univ Assoc General Counsel
VP for Legal Affairs & University
General Counsel, Manoa, #98276,
continuous recruitment, beginning to
begin 8/18/10; 808-956-3501

FACULTY
Instructor, CC (Counselor),
Project/Malama Hawaii Program,
Kapolei Community College, #865757,
temp, closes 8/16/10, 808-734-9522

Assistant Extension Agent
(Fisheries Extension Agent) UHM
Sea Grant, University of Hawaii at
Manoa, #701207, temp, closes
08/18/10, 808-956-7031

**Instructor, CC (Construction
Academy), Honolulu Community
College, #74765, temp, closes
08/31/10, 808-945-9183**

**Administrative Specialist, Office of
Faculty Development and Academic
Support (OFDAS), University of
Hawaii at Manoa, #682667, temp,
closes 08/19/10, 808-956-8978**

**Institutional Support PBA (Adm &
Fiscal Support Sp), Biological
Oceanography Division, Dept of
Oceanography, SOEST, Manoa
Campus, #792027, temp, closes
08/13/10, 808-956-7633**

**Information Technology PBB (Java
Web Appl Dev), ITS, Manoa,
#80060, closes 08/6/10. For
compil quals & how to apply visit
www.hawaii.edu/its/jobs**

**Institutional and Student Support
PBA or PBB (Banner Support
Specialist), ITS, Manoa, #78390,
closes 08/24/10. For compil quals
& how to apply visit
www.hawaii.edu/its/jobs**

For civil service positions (e.g., clerical, security, maintenance,
lab aids, etc.), please view: www.ehawaii.gov.org/statejobs/

RM, LPM, CNA
Word Clerk
Porter/Housekeeper
Patient Registrar - Port-Time
Call-In Positions:
Nursing -
Various positions & shifts
Referral Coordinator
Word Clerk
Patient Registrar
For position details & to apply, visit us at
www.rehabhospital.org
Fax: 544-2337 EOE

Website: WORKATUH.HAWAII.EDU

UNIVERSITY OF HAWAII EMPLOYMENT OPPORTUNITIES

For full description and other employment listings, visit website above.
Appointments are full time unless otherwise specified and subject to funding and/or
position clearance. UH is an Equal Opportunity/Affirmative Action Institution.

Facilities Planning & Design PBB
(Architectural/HM-Facilities and
Grounds, Office of Facilities and
Grounds, #81205, closes 08/16/10,
808-956-4805

**Research Support PBA (Research
Associate), C of Trop Ag & Hum Res,
Tropical Plant & Soil Sciences,
Manoa, #780331, temp, closes
08/17/10, 808-956-6564**

Information Technology PBB
(Educational Technology Specialist),
John A. Burns School of Medicine,
Kakaako, #78233, closes 09/04/10,
808-692-1001

**Enterprise Operations PBA (Asst
Bookstore Mgr), Auxiliary Enterprises,
Manoa Campus, #792287, temp,
closes 08/18/10, 808-956-8022**

Academic Support PBB
(Communications Sp), Office of
Undergraduate Education, Honors
Program, Manoa, #79132, closes
08/18/10, 808-956-6231

**Instructional and Student Support
PBA (Financial Aid Officer), Student
Services, Leeward Community
College, #782327, temp, closes
08/31/10, 808-455-0325**

**Instructional and Student Support
PBA (Career & Technical Education
Assistant), Student Services,
Leeward Community College,
#792327, temp, closes 08/31/10,
808-455-0326**

**Public Information, Public Events
Planning and Publications PBA**
(Imaginarium Manager), Windward
Community College, #78373, closes
08/24/10, 808-235-7362

**Institutional Support PBA (Human
Resources Specialist), Office of the
Vice Chancellor for Admin, Fin &
Ops, Manoa, #78386 or #81666,
closes 08/19/10, 808-956-3169**

**Research Support PBA (Research
Associate), UHM - School of
Medicine/Institute for Biogenesis
Research, Kakaako Campus,
#771107, temp, closes 08/18/10,
808-692-1416**

EOEAA M/F/D/V

OHA
OFFICE OF HAWAIIAN AFFAIRS
HO'OLULU LAHUI ALOHA:
To Raise a Beloved Nation
We currently have openings for a:
• Community Outreach Coordinator
III - Part-time position located
on the island of Lanai
• Community Relations Specialist III
• Procurement Manager
BENEFITS: 21 Vacation Days • 13-14
Paid Holidays • Pension - State
Employees Retirement System • Medical,
Dental, Drug & Vision • 21 Sick Days
• Group Term Life Insurance • Flexible
Benefits Plan • Deferred Compensation
For further details, please visit our
website:
www.oaha.org
Please send resume and cover letter
with salary history and requirements to:
OFFICE OF HAWAIIAN AFFAIRS
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813
Attention: Human Resources
Continuous Recruitment Until Needs Are Met
An Equal Opportunity Employer

nci the next
intelligent step.

**Senior Network
Engineer** (Hickam AFB)

NCI Information Systems, Inc. (NCI) seeks a
Senior Network Engineer to support
its Hickam AFB Combat Information
Transport System (CITS) engagement.

Candidates must possess 7+ years
experience with network operations,
network design, engineering, installation,
integration and testing in fluid and dynam-
ic environments at campus or enterprise
network levels. The ideal candidate must
possess 5+ years of management/
supervisory experience leading teams
of network engineers/technicians and
a demonstrated ability to establish/meet
scheduled milestones and deadlines in
support of Firm Fixed Price contracts.
Current CITS experience is highly desir-
able and in-plant experience is a plus.

Must currently possess one or more of
the following certifications (CCNA, CCSP,
CCNP, CCDA). A current PMP certifica-
tion is also desirable. Candidate must be
proficient with Microsoft Visio, Microsoft
Project and Office 2007, possess excel-
lent written and verbal communication
skills and have the ability to obtain and
retain a government security clearance.
A Bachelor's Degree is preferred in
Information Systems, Computer Science,
Telecommunications or related field.

NCI offers a robust benefits package,
compensation commensurate with experi-
ence and opportunities for advancement.
EOE M/F/D/V. Learn more about this
opening and apply online at:
www.ncicareers.com

Jan-Pro
The King of Clean

JOIN THE LEADER!
We set the standards in our industry
& our rankings speak for themselves

#1 Commercial Cleaning Franchisor
Home-Based Franchise
Top-Ten Franchise for 2010
(Entrepreneur Magazine 1/10)

The need for qualified professional cleaning services
has never been greater. JAN-PRO offers from \$1,000
to \$20,000 in initial monthly business offerings.

Join us now! **535-6100 • www.janpro.com**
Call for FREE info **weight@janpro.com 2-888-855-5553**

CURRENT VITAL

www.staradvertiser.com

08/08/2010

2 of 2

General

DRIVER
RETAIL FISH CUTTER
Full-Time Position
Established Seafood
Company. Excellent
wages. Competitive
benefits & growth opportunity.
Abstract req. for
driver position.
Call for app: 832-9500

EARN QUICK \$5 CASH
HAWKERS WANTED
FOR SUNDAY SALE
OF THE
STAR-ADVERTISER
OPENINGS IN THE
KAPOLEI TO WAHIAE
AREA
Call for more information
Alvin 216-7360

EXPERIENCED JANITOR
Part-time for Millennial area
Monday-Friday evenings
Call for info 677-8288

Gardening/Landscaping
General Maintenance P/T
Village Green condo in Ha
waii Kai. Exp. necessary
Drug/Background check
req. Start @ \$10/hour
w/benefits. Call for app:
10AM - 3 PM 222-2416

Japanese Language
Copywriter
Uses Japanese to write
articles, bulletins, ads,
promo & other mid-
mkt for publication and
promo of goods & services
of Hawaii aimed at Japa-
nese tourists. Profiling,
editing, graphic design,
computer applications.
40 hrs/wk.
Reg. Bachelors Degree.
Email resume to
sue@jwinc.com

Ko'olau Golf Club
New Hiring
Full-Time Course
Maintenance Mechanic
\$12.00 per hour
- Previous mechanic
experience preferred
Please apply in person
at the Golf Shop

LANDSCAPING SUPERVISOR
Seeking an experienced
candidate who will be
responsible for the de-
velopment, training, and
monitoring of the Nur-
ery and Estate.

This position requires
three to five years land-
scaping experience,
preferably in a supervi-
sory position. Ideal can-
didate should have
strong supervisory and
communication skills.
227 Landscaping Con-
tractors License highly
preferred and working
knowledge and experi-
ence in Microsoft Office
software required. Must
have valid driver's
license with clean
abstract.
Box # 1029 M
c/o Star Classified
500 Ala Moana Blvd
Ste 7-500
Honolulu, HI 96813

WAREHOUSE SPECIALIST
FT
Inventory stored materi-
als, remove materials
from storage. Able to lift,
pull, push 50+ lbs. Able
to work and handle high
volume; available to
work mandatory over-
time. Familiar with Army
RFI operations and E-
Ordering software, com-
puter literate. Possess a
current forklift certificate
and driver's license.
Obtain security clear-
ance. \$20.14/hour.
Send app/resume via:
careers@dellem.com; fax
440-0612 OFW/EDE

General

LOVES
LOVES BAKERY, INC. is
seeking individuals to
be part of our TEAM.
After a training period
these individuals must
be able to work days,
nights and weekends.

PRODUCTION
Assist specialists in
various areas of the
baking process.
Able to lift over 50lb.

SANITATION
Sanitize Industrial
Equipment: Maintain
building & grounds.

SALES
PART-TIME
MERCHANDISER
Inventory/Pick-up and
Delivery. Must have a
good driving record.

Applications
Accepted:
Tuesday (8/17/10)
Thursday (8/19/10)
9:00 am - 2:00 pm
Parking available on the
north of
Luna's Bakery.
Applicants need not
reply if employed
application completed
within the past 30 days.
(No Phone Calls Please)

LOVES BAKERY, INC.
911 Middle St.
An Equal Opportunity
Employer

Military Dependents Welcome
CUSTOMER SERVICE
Star #2000+ 735-6452

General

OFFICE CLERK
QUIET SERVICE REP.
P/T w/ benefits 5 to 6
days weekly. Detail or-
ented, fast writer w/
neat handwriting. 10-
key by touch req.
Call: 832-9600
DRIVER-600
P/T w/ benefits 5 to 6
days weekly. Heavy lift-
ing. Familiar w/ Oahu
streets. Clean abstract
Call: 832-9600

PAID environmental
internships available with
Hawaii Youth Conservation
Corps. Benefic pay educa-
tional award. Apply online
at: www.hycor.org or
5/1/10. (808)735-1221.

Royal Kunia
Country Club
On-Call/Fax-Time
Mechanic. 18 hrs/week,
service and repair golf
cars. Pay depending on
experience.
Apply in person by
9/4-10/3 Annual
Street
Waipahu 96797
(No phone calls please)

WAREHOUSE HELPER
\$10 per hour
Full-time 40 hrs per wk.
Work on driver's
license necessary.
Apply in person only
Mon and Tues 3-5 pm
Bougainvillee Flooding
Super Store

Healthcare

"WEDDING COMPANY"
Seeking candidates for
two positions:
-Sales and Reservation
Associate
-Wedding Planner
Candidates should be
knowledgeable about
Oahu and capable of
selling the "Ultimate Ha-
waii Wedding Experi-
ence." Must be person-
able, detail oriented,
self-motivated, computer
and internet savvy
and have excellent com-
munication skills.
Please send resume to:
HawaiiWed.com or fax to:
(808) 951-1145

Healthcare

ARCADIA
Community Services
LPN
To apply send a resume
to 953-1718 or call the
Job Line 983-1770. EOE

Assistant Director of
Clinical Services (F/T)
Seeking LPN licensed in
Hawaii for in-home hos-
pice. Good communica-
tion skills, organization
and knowledge of pa-
tient care required. Will
help coordinate patient
care through office re-
sponsibilities and field
visits. Travel required.
Email resumes to
ad@hawaiihomecare.com
or fax to 808-550-2551.

CARE GIVER
9A-5P, Tues-Fri
Cpr/License. CNA pref'd
\$125/day/ Ben 222-5553

Executive Housekeeper
Excellent opportunity to work for a small boutique
hotel. Qualified applicant will have 2+ years
supervisory experience. NEHA certificate, excellent
customer service skills, and must be a team player!

We offer 100% paid Medical/Dental/
Vision/Life/401k, free meals and MORE

Send resume and salary requirements to:

The Aloha Home
KAIMANA BEACH HOTEL
2863 Koloa Avenue Honolulu, HI 96815
www.kaimana.com

REHABILITATION HOSPITAL
OF THE PACIFIC
Rebuilding Lives Together

Nursing Supervisor - Even Weekends
Referral Coordinator (RN,OT,PT,SLP)
LPN
CHA
Patient Registrar - 20hrs/wk
Call-In Positions:
RN,LPN,CHA
Referral Coordinator
Word Clerk
Patient Registrar

For position details & to apply, visit us at:
www.rehabhospital.org
Email: hr@rehabhospital.org
Fax: 544-3357 EOE

YHata & Co.
LIMITED

HUMAN RESOURCES GENERALIST

Performs a variety of tasks associated with the
administrative support of the Human Resources
Department. Computes wages and records
data for use in payroll processing on a biweekly
pay schedule. Coordinates 401(k) enrollments,
group life insurance, medical insurance
enrollment and eligibility, and TDI reports.
Bachelors Degree or equivalent. 3-5 years of
human resource generalist experience with an
emphasis on payroll.

Interested individuals should apply in person at
Human Resources, 205 Sand Island Access
Road, Monday through Friday, between 10
a.m. and 4 p.m. Or fax resume and cover letter
to (808) 447-4273, or email hr@yhata.com
EOE/DFW Free Workplace

Thrifty
Car Rental

We have immediate openings for individuals
who don't mind working hard, love to
have fun and enjoy providing helpful and
friendly service.

Positions Available at
Honolulu & Airport Locations.
RENTAL SALES AGENTS
CASHIERS
BUS DRIVERS
CAR WASH AGENTS

Excellent Benefits
Medical, Dental & Vision • Tuition Reimbursement
401(k) Plan & Company Match
Profit Sharing & Bonus

Interested applicants should apply on-line at
WWW.DIAG.COM or apply in person with a
driver's license and social security card
between the hours of 11am & 3pm at:
Thrifty 3174 H. Nimitz Hwy.
Honolulu, HI 96813

H **Holiday Inn**
Resort

DIRECTOR OF SALES & MARKETING

Seeking qualified candidates for the
"Holiday Inn Waikiki Beachcomber
Resort" launching in November 2010.
This candidate will have a minimum of
five years of recent work experience
within the Travel Industry. Previous
Holiday Inn(s) experience located in a
major market with strong corporate and
leisure segments highly preferred.
College degree in Travel Industry
Management, business, or related field;
or an equivalent combination of
education and experience from which
comparable job knowledge and skills
have been acquired may be considered
in place of a degree. Responsibilities to
include but not limited to: marketing
development, customer service and
retention, market and business research
and planning, strategic direction for
promotion and advertising, public
relations and community and industry
relations. Interact with both internal
and external customers to achieve
brand clarity, operational consistency,
and product uniformity and revenue
goals. Excellent interpersonal
relationship and written and verbal
communication skills required.
Familiarity with Hawaii, its people, and
business culture a must.

Qualified candidates can apply online at:
WWW.OUTRIGGER.COM
An Affirmative Action/EOE Employer

GUARDSMARK
SECURITY GUARDS

Seeking to hire P/T individuals with mature
minds and "people skills." **WE OFFER:** uniforms &
training, FREE Med & Life Ins., 401(K), paid
vac, advancement, monetary awards, tuition
rmbrs, & inter-co transfers. Must show proof of HS
Diploma or GED, pass drug test, criminal background
and employment checks. Must apply in person.

Pioneer Plaza Bldg., 900 Fort St. Mall, Suite 1650
Honolulu, HI 96813-3721 (we do not validate plug)

Call 808-523-5423 Learn more about us at
www.Guardsmark.com EOE
GUARDSMARK: A US CLEARFACILITY COMPANY

ADMINISTRATIVE ASSISTANT/RECEPTIONIST

Pacific Office Properties, Hawaii's premier
commercial real estate investment trust is seek-
ing an experienced, motivated, detail-oriented
Administrative Assistant.

Candidate must be professional, friendly,
proficient in MS Excel/Word, and will have
excellent written and verbal communication
skills. They will possess the ability to work
independently and manage multiple tasks while
maintaining a positive attitude. Must have
previous office experience, graphic design skills
a plus.

Pacific Office Properties
offers a complete benefit
package, including
matching 401K and park-
ing. Please send resume
with salary requirements
to personnel@pacificofficeproperties.com
or fax to (808) 544-1220.
No Phone Calls Please.

Pohai Nani
HAWAIIAN HOLIDAY COMMUNITY

IMMEDIATE OPENINGS

Pohai Nani was opened in 1964 and is oper-
ated by the Evangelical Lutheran Good Samaritan
Society, the largest non-profit operator of senior
communities in the United States. We are lo-
cated in Kaneohe, HI.

POSITIONS:

- **FT ADMISSIONS COORDINATOR**
44 bed SNF / ICF, LTC & Social Services
experience required.
- **STAFF DEVELOPMENT COORDINATOR**
Evening Shift Charge Nurse
Must be RN
Responsible for campus-wide in-
service training and must maintain facility
Learning Center.
- Works directly with all staff, managers
and National Headquarters.
- Responsible for new staff Physical
Screening and maintaining all health
records.
- **FT HUMAN RESOURCES DIRECTOR**
Must have at least one year of experience
in a Human Resources position.
- **ON CALL REGISTERED NURSE**
Must be available to work even, weekends,
holidays.
- **PT AND ON-CALL CERTIFIED NURSING ASSISTANT**
On-call hours vary, mostly even, weekends
and holidays. Part time evenings.

Interested candidates may apply at the
facility, e-mail, mail, or fax resumes:
- Ann Schuler, HR Director
Good Samaritan Society - Pohai Nani
45-090 Naniolu Street,
Kaneohe, HI 96744
Fax: (808) 234-1059
Email: aschuler@good-sam.com

The Evangelical Lutheran Good Samaritan Society is an equal
opportunity employer and does not discriminate on the basis of
race, color, sex, age, marital status, religion, disability,
nationality, veteran status, or other protected classes.

Subscribe Today:
538-NEWS
(6397)

Electrical Engineering
We are recruiting for the following position:
ELECTRICAL ENGINEER
(Customer Installations Department)
careers.hico.com
Employment Hotline: (808) 745-4574

TITLE GUARANTY
Hawaii's Largest Title Company

We are actively seeking goal-oriented and highly
motivated individuals who want to be part of our
dynamic organization with career advancement
opportunities. College graduate preferred with prior
real estate or escrow experience as a plus.

Escrow Associates
Account Manager
Office Coordinator
Branch Coordination Technician
Project Title Representative

Visit www.tghawaii.com
for further information and to apply!!
Salary commensurate with experience.
We provide an excellent benefit package.
An Equal Opportunity Employer committed to a drug and alcohol free workplace

Get in. Get out.
Get ahead.

Earn your degree in as
little as 18 months with
help from our friendly
staff and flexible schedules!

Learn NOW for a career in
PHARMACY TECHNOLOGY

Heald College
EST. 1863.
Healthcare • Business • Legal • Technology

Heald College
offers degrees in:
HEALTHCARE BUSINESS LEGAL TECHNOLOGY
Programs vary by term

Find Your Next Job
in
Hawaii's Classifieds

Website: WORKATUH.HAWAII.EDU

UNIVERSITY OF HAWAII EMPLOYMENT OPPORTUNITIES

For full description and other employment listings, visit website above.
Appointments are full time unless otherwise specified and subject to funding and/or
position clearance. UH is an Equal Opportunity/Affirmative Action Institution.

FACULTY
Instructor, CC (Construction Academy),
Honolulu Community College, #74765, temp,
closes 08/31/10, 808-945-9183

Junior Specialist, HELP-SLS, UH Manoa
Campus, #83042T, temp, closes 08/23/10,
808-950-2455

Assistant Professor (Geriatric Medicine),
UHIM, John A. Burns School of Medicine,
Dept of Geriatric Medicine, Kuakini Medical
Center, #88925T, temp, closes 08/25/10, 808-
523-8451

Junior, Assistant, Associate or Full Specialist
(Assessment Coordinator), College of
Pharmacy (CofP), UH Hilo, #73395, continu-
ous recruitment, 808-933-2885

On-Call Registrar, C of Trop Ag & Hum
Res, Human Nutrition, Food & Animal
Sciences, Manoa, #84045T, temp, closes
08/31/10, 808-950-2455

Institutional Support PBA (Adm & Fiscal
Support Sp), William S. Richardson School of
Law, closes 08/23/10, 808-950-7985

Instructional & Student Support PBA
(Scholarship Dir. and Financial Aid
Counselor), John A. Burns School of Medicine
- Office of Student Affairs, #79198, closes
08/23/10, 808-952-0895

Institutional Support PBA (Adm & Fiscal
Support Sp), C of Trop Ag & Hum Res,
Tropical Plant & Soil Sciences, Manoa,
#77795, closes 08/23/10, 808-950-8389

Physical Plant Management PBA (Chief
Security Officer), University of Hawaii Maui
College, Kahului, Maui, #79185, closes
08/30/10, 808-984-3253

Legal Affairs PBA (Legal Assistant), VP for
Legal Affairs & University General Counsel,
Manoa, #79237, closes 08/26/10, 808-950-8501

08/15/2010

1 of 2

000078

Please apply in person at the Golf Shop

LANDSCAPING SUPERVISOR

Seeking an experienced candidate who will be responsible for the development, training, and monitoring of the Nursery and Estate.

This position requires three to five years landscaping experience, preferably in a supervisory position. Ideal candidate should have strong supervisory and communication skills. C27 Landscaping Contractors License highly preferred and working knowledge and experience in Microsoft Office software required. Must have valid driver's license with clean abstract.

Box # 1029 M
c/o Star Classified
500 Ala Moana Blvd
Ste 7-500
Honolulu, HI 96813

WAREHOUSE SPECIALIST

Inventory stored materials, remove materials from storage. Able to lift, pull, push 50+ lbs. Able to work and handle high volume; available to work mandatory overtime. Familiar with Army RFI operations and E-Ordering software, computer literate. Possess a current forklift certificate & valid driver's license. Obtain security clearance. \$20.14 / hour. Send app/resume via: careers@tchawaii.com; fax 440-0612 DFH/EDE

We are recruiting for the following position:

ELECTRICAL ENGINEER

(Customer Installations Department)

careers@webco.com

Employment #0000180875-1-1011

TITLE GUARANTY

Hawaii's Largest Title Company

We are actively seeking goal-oriented and highly motivated individuals who want to be part of our dynamic organization with career advancement opportunities. College graduate preferred with prior real estate or escrow experience as a plus.

Escrow Associates
Account Manager
Office Coordinator
Branch Coordination Technician
Project Title Representative

Visit www.tghawaii.com

for further information and to apply!!
Salary commensurate with experience.
We provide an excellent benefit package.
An Equal Opportunity Employer committed to a drug and alcohol free workplace

support in assigned roles. Responsible for maximizing and developing Copertone presence in the stores. Highly motivated team player with excellent customer service and time management skills. Able to lift up to 50 lbs and will have access to the Copertone Car.

Apply online at www.hawaii.com or fax resume to:

(808) 834-3350
WEBCO HAWAII, INC.
2840 Mokumoa St.
Honolulu, HI 96819
EEO/AA

Blood Bank of Hawaii

Join our team of top professionals who save lives every day!

Laboratory Assistants, FT & Temp

Phlebotomist
(continuous recruitment)

CDL (A or B) Driver, PT

Go to www.bloodbank.org for more info & to download the Application Form. Applications may only be completed in person at 2042 Dillingham Blvd., Hon., HI 96819.

Great benefits include fully paid health insurance, 3 weeks of vacation, sick leave, 10 holidays, retirement, disability, life insurance and more!

RENTAL SALES AGENTS

CASHIERS BUS DRIVERS CAR WASH AGENTS

Excellent Benefits

Medical, Dental & Vision • Tuition Reimbursement
401(k) Plan & Company Match
Profit Sharing & Bonus

Interested applicants should apply on-line at www.UTAH.COM or apply in person with a driver's license and social security card between the hours of 11am & 3pm at:

Unity
3174 N. Nimitz Hwy.

Holiday Inn Resort

DIRECTOR OF SALES & MARKETING

Seeking qualified candidates for the "Holiday Inn Waikiki Beachcomber Resort" launching in November 2010. This candidate will have a minimum of five years of recent work experience within the Travel Industry. Previous Holiday Inn(s) experience located in a major market with strong corporate and leisure segments highly preferred. College degree in Travel Industry Management, business or related field; or an equivalent combination of education and experience from which comparable job knowledge and skills have been acquired may be considered in place of a degree. Responsibilities to include but not limited to: marketing development, customer service and retention, market and business research and planning, strategic direction for promotion and advertising, public relations and community and industry relations. Interact with both internal and external customers to achieve brand clarity, operational consistency, and product uniformity and revenue goals. Excellent interpersonal relationship and written and verbal communication skills required. Familiarity with Hawaii, its people, and business culture a must.

Qualified candidates can apply online at: WWW.OUTBIGGER.COM
An Affirmative Action/EEO Employer

IMMEDIATE OPENINGS

Pohakuloa was opened in 1984 and is operated by the Evangelical Lutheran Good Samaritan Society in the United States. We are located in Kaneohe, HI.

POSITIONS:

- **FT ADMISSIONS COORDINATOR**
44 bed SNF / ICF; LTC & Social Services experience required.
 - **STAFF DEVELOPMENT COORDINATOR**
Evening Shift Charge Nurse
Must be RN
Responsible for campus-wide in-service training and must maintain facility Learning Center.
Works directly with all staff, managers and National Headquarters.
Responsible for new staff Physical Screening and maintaining all health records.
 - **FT HUMAN RESOURCES DIRECTOR**
Must have at least one year of experience in a Human Resources position.
 - **ON CALL REGISTERED NURSE**
Must be available to work evenings, weekends, holidays.
 - **PT AND ON-CALL CERTIFIED NURSING ASSISTANT**
On-call hours vary, mostly eve, weekends and holidays. Part time evenings.
- *Interested candidates may apply at the facility, e-mail, mail, or fax resumes:
Ann Schueller, HR Director
Good Samaritan Society - Pohakuloa
45-090 Naniolu Street,
Kaneohe, HI 96744
Fax: (808) 234-1059
Email: eschueller@good-sam.com

The Evangelical Lutheran Good Samaritan Society is an equal opportunity employer and does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, ancestry, marital status, or other protected classes.

Subscribe Today:
538-NEWS
(6397)

Website: WORKATUH.HAWAII.EDU

UNIVERSITY OF HAWAII EMPLOYMENT OPPORTUNITIES

For full description and other employment listings, visit website above. Appointments are full time unless otherwise specified and subject to funding and/or position clearance. UH is an Equal Opportunity/Affirmative Action Institution.

FACULTY Instructor, CC (Construction Academy), Honolulu Community College, #74765, temp, closes 08/31/10, 808-945-9183 Junior Specialist, HELP-SLS, UH Manoa Campus, #83042T, temp, closes 08/23/10, 808-956-2465 Assistant Professor (Geniatric Medicine), UHM, John A. Burns School of Medicine, Dept of Geniatric Medicine, Kapiolani Medical Center, #88926T, temp, closes 08/25/10, 808-523-8461 Junior, Assistant, Associate or Full Specialist (Assessment Coordinator), College of Pharmacy (CoP), UH Hilo, #73395, continuous recruitment, 808-933-2855 Junior Researcher, C of Trop Ag & Hum Res, Human Nutrition, Food & Animal Sciences, Manoa, #84045T, temp, closes 08/27/10, 808-956-3848 Junior Researcher, College of Natural Sciences/ Department of Microbiology, University of Hawaii at Manoa, #84359T, temp, closes 08/27/10, 808-956-3522 Associate Professor, CC or Full Professor, CC (Workforce Development), Continuing Education & Workforce Development, Leeward Community College, #86825, closes 09/15/10, 808-455-0326 ADMINISTRATIVE, PROFESSIONAL, & TECHNICAL Information Technology PBB (Educational Technology Specialist), John A. Burns School of Medicine, Kapiolani, #78233, closes 09/04/10, 808-692-1001 Instructional and Student Support PBA (Financial Aid Officer), Student Services, Leeward Community College, #79232T, temp, closes 08/31/10, 808-455-0326 Instructional and Student Support PBA (Career & Technical Education Assistant), Student Services, Leeward Community College, #79233T, temp, closes 08/31/10, 808-455-0326	Instructional Support PBA (Adm & Fiscal Support Sp), William S. Richardson School of Law, closes 08/23/10, 808-956-7986 Instructional & Student Support PBB (Scholarship Dir. and Financial Aid Counselor), John A. Burns School of Medicine - Office of Student Affairs, #79198, closes 08/25/10, 808-692-0895 Instructional Support PBA (Adm & Fiscal Support Sp), C of Trop Ag & Hum Res, Tropical Plant & Soil Sciences, Manoa, #77795, closes 08/25/10, 808-956-8389 Physical Plant Management PBB (Chief Security Officer), University of Hawaii Maui College, Kahului, Maui, #79185, closes 08/30/10, 808-984-3253 Legal Affairs PBA (Legal Assistant), VP for Legal Affairs & University General Counsel, Manoa, #79237, closes 08/23/10, 808-956-6501 Instructional and Student Support PBB (Student Services Sp-Advising & Co-Guardian Coordinator), University of Hawaii-West Oahu, Pearl City, Oahu, #79208T, temp, closes 09/03/10, 808-454-4840 Instructional and Student Support PBA (Educ & Acad Support Spec), C of Trop Ag & Hum Res, Family & Consumer Sciences, Kaneohe Extension, #78216T, temp, closes 08/31/10, 808-322-4892 Academic Support PBB (Educational Sp), VP for Student Affairs & Univ. & Community Relations, Manoa, #80916T, temp, closes 08/27/10, 808-956-6501 Information Technology PBA (System Programmer), Career Development & Student Employment, UHM, #78697T, temp, closes 08/27/10, 808-956-4399
OTHER Lecturer, Biology Program, Manoa Campus, temp, closes 08/27/10, 808-956-6822 Lecturer (Religion), UHM College of Arts & Humanities, Department of Religion, Manoa, temp, continuous recruitment, 808-956-4203	

For civil service positions (e.g., clerical, security, maintenance, lab aids, etc.), please view: www.ehawaii.gov.org/statejobs/

Get in. Get out. Get ahead.

Earn your degree in as little as 18 months with help from our friendly staff and flexible schedules!

Learn NOW for a career in: PHARMACY TECHNOLOGY



Heald College offers degrees in:
**HEALTHCARE
BUSINESS
LEGAL
TECHNOLOGY**
Programs vary by term

Benefits:
• Lifetime career services assistance for graduates
• Financial aid for those who qualify

CALL TODAY!
1-866-918-9173

1500 Kapioan Blvd • Honolulu, HI 96814

www.Reach-Heald.com

Find Your Next Job in Hawaii's Classifieds and Hawaii's Jobs in the

Honolulu Star-Advertiser
The pulse of paradise

Subscribe Today 538-NEWS
521-9111
www.staradvertiser.com

08/19/2010

2 of 2

Work at UH Advertisement

Title: Information Technology (Educational Technology Specialist)
Position Number: 0078233
Hiring Unit: John A. Burns School of Medicine
Location: Kakaako
Date Posted: August 02, 2010
Closing Date: September 04, 2010
Band: B
Minimum Monthly Salary: Band B: \$3,684
Full Time/Part Time: Full Time
Temporary/Permanent: Permanent

Other Conditions: General funds, to begin approximately Sept 2010, subject to position clearance.

Duties and Responsibilities:

Develops medical education and administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment.

System Administration: manages & administers applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management.

Designs, implements & integrates subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP.

Tests & debugs systems of medium to high complexity for a distributed computing environment.

Mobile Devices: provides application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations.

Prepares written technical documentation for systems of medium to high complexity.

Generates materials & conducts training for end-users including faculty, staff, & students on use of software, web applications, PDAs, Databases, etc.

Database Management: Designs, develops, implements & maintains databases supporting student education & curriculum administration.

Database Management: supports statistical analysis & data management of exam responses, survey questions, course materials, and curriculum map.

Keeps abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations.

Identifies technologies applicable to or of potential use to JABSOM; acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies.

Assists users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution; also, provides technical consulting on the implementation & application of selected solutions.

Integrates IT skills and knowledges in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM.

Other duties as assigned

Minimum Qualifications:

Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.

Considerable working knowledge of the use of computers for teaching, training and /or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.

Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).

Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluation, integrate, and implement practical and thorough solutions in an effective and timely manner.

Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.

Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.

For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.

Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.

Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.

Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.

Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.

Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.

Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

Desirable Qualifications:

Knowledge of medical education or curriculum management.

Knowledge of troubleshooting procedures & practices for hardware, software, & connectivity in a distributed computing environment.

Considerable knowledge of hand held devices including iPhone, Palm, WindowsMobile, and Smart Phones & their software applications.

Knowledge of student financial accounting and human resource information systems.

To Apply:

Submit cover letter indicating how you satisfy the minimum and desirable qualifications, UH Form 64 (standard format) (large format), resume, names of 3 professional references which include phone numbers and email addresses and official transcripts (copies accepted, however originals required upon hire) to the address below.

Address:

Lori Chau

UH, John A. Burns School of Medicine
Office of Medical Education
651 Ilalo Street, Medical Education Bldg., 3rd Floor
Honolulu, HI 96813

Inquiries: Dr. Damon Sakai; 808-692-1001

The University of Hawaii is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, gender identity and expression, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).

Employment is contingent on satisfying employment eligibility verification requirements of the Immigration Reform and Control Act of 1986; reference checks of previous employers; and for certain positions, criminal history record checks.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawaii may be viewed at: <http://ope.ed.gov/security/>, or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.

In accordance with Article 10A of the unit 08 collective bargaining agreement, bargaining unit members receive priority consideration for APT job vacancies. As a result, external or non BU 08 applicants may not be considered for some APT vacancies. BU 08 members with re-employment rights or priority status are responsible for informing the hiring unit of their status.

Windows Live Hotmail Print Message

8/5/2018 3:35 PM

Print

Close

Your craigslist posting 'Educational Technology Specialist'

craigslist.org

5:58 AM

To: gmurata@hotmail.com

Confirmation for Posting ID# 1883997567

Your ad, titled 'Educational Technology Specialist' has been posted as follows:

<http://hono.hi.craigslist.org/qab/tch/1883997567.html> (technical support jobs)

Posts will appear in the list of postings and in search results in about 15 minutes.

If you have trouble finding your ad, please check our help page: [?]

Please log in into your account if you need to edit or delete your posting:

<https://accounts.craigslist.org/login>

If you did not post this ad please change your account password asap:

<https://accounts.craigslist.org/login/changepwd>

For your protection please check our list of common scams.

Thanks for using craigslist!

[hawaii craigslist](#) > [oahu](#) > [jobs](#) > [technical support jobs](#)

[\[help \]](#) [\[post \]](#)

[all hawaii](#) [oahu](#) [big island](#) [maui](#) [kauai](#) [molokai](#)

search for: in: tech support jobs ☐ title only ☒ entire post
☐ telecommute ☐ contract ☐ internship ☐ part-time ☐ non-profit ☐ has image

[Fri, 06 Aug 06:32:14]

[\[ETC Warning on JOB SCAMS \]](#) [\[craigslist vs monster vs careerbuilder \]](#) [\[jobs forum \]](#) [\[success story? \]](#)
[\[AVOIDING SCAMS & FRAUD \]](#) [\[PERSONAL SAFETY TIPS \]](#) [\[craigslist {tv} \]](#) [\[unofficial flagging faq \]](#)
[\[craigslist blog \]](#)

Fri Aug 06

[Educational Technology Specialist](#) - (U of HI School of Medicine)

Thu Aug 05

[Technician](#) - (Kauai)

[Auto Detailer \(Kaneohe\)](#) - (Windward Auto Spa)

Wed Aug 04

[IT Technician](#) - (Honolulu)

Mon Aug 02

[PV Estimator-Designer](#) - (Oahu)

[Journeyman Electrician](#) - (Oahu)

[Systems Engineer](#) - (Honolulu)

[Network Assistant at HPL](#) - (Downtown campus)

[Field Services Manager - IT Support](#) - (Honolulu, HI)

Educational Technology Specialist

8/5/10 8:34 PM

[hawaii craigslist](#) > [oahu](#) > [jobs](#) > [technical support jobs](#)

[email this posting to a friend](#)

Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Moneygram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

[please flag with care:](#)

[misategorized](#)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

Educational Technology Specialist (U of HI School of Medicine)

Date: 2010-08-06, 5:58AM HST

Reply to: see below

- Develops medical education and administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment.
- System Administration: manages & administers applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management.
- Designs, implements & integrates subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP.
- Tests & debugs systems of medium to high complexity for a distributed computing environment.
- Mobile Devices: provides application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations.
- Prepares written technical documentation for systems of medium to high complexity.
- Generates materials & conducts training for end-users including faculty, staff, & students on use of software, web applications, PDAs, Databases, etc.
- Database Management: Designs, develops, implements & maintains databases supporting student education & curriculum administration.
- Database Management: supports statistical analysis & data management of exam responses, survey questions, course materials, and curriculum map.
- Keeps abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations.

<http://honolulu.craigslist.org/oahu/tch/1883997567.html>

Page 1 of 4

Educational Technology Specialist

8/5/10 8:34 PM

- Identifies technologies applicable to or of potential use to JABSOM; acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies.
- Assists users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution; also, provides technical consulting on the implementation & application of selected solutions.
- Integrates IT skills and knowledges in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM.
- Other duties as assigned

Minimum Qualifications:

- Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.
- Considerable working knowledge of the use of computers for teaching, training and /or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.
- Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).
- Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluation, integrate, and implement practical and thorough solutions in an effective and timely manner.
- Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.
- Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.
- For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.

Educational Technology Specialist

8/5/10 8:34 PM

- Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.
- Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.
- Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.
- Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.
- Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.
- Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

Desirable Qualifications:

- Knowledge of medical education or curriculum management.
- Knowledge of troubleshooting procedures & practices for hardware, software, & connectivity in a distributed computing environment.
- Considerable knowledge of hand held devices including iPhone, Palm, WindowsMobile, and Smart Phones & their software applications.
- Knowledge of student financial accounting and human resource information systems.

TO APPLY: For full position information, please visit the listing on [workatuh](#). Listing includes very specific application instructions for University positions.

Job Posting Closes: September 4, 2010.

- Location: U of HI School of Medicine
- Compensation: Pay Band B Minimum monthly salary: \$3,684
- This is at a non-profit organization.
- Principals only. Recruiters, please don't contact this job poster.
- Phone calls about this job are ok.
- Please do not contact job poster about other services, products or commercial interests.

<http://honolulu.craigslst.org/oah/tch/1883997367.html>

Page 3 of 4

Educational Technology Specialist

8/5/10 8:34 PM

PostingID: 1883997567

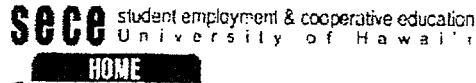
No contact info?

if the poster didn't include a phone number, email, or
other contact info, craigslist can notify them via email [Send Note!](#)

Copyright © 2010 craigslist, inc. [terms of use](#) [privacy policy](#) [feedback forum](#)

Campus Student Employment Office | Campus Student Employment Office | Detailed Job Listing

8/15/10 8:50 PM



Detailed Job Listing

[Return to Search Results](#)

[Return to Search Results](#)

Position Title : Information Technology (Ed Tech Specialist)

Qualifications :

Possession of a pertinent baccalaureate educational degree in Management Information Systems, Computer Science, Project Management, or related field and 3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, and/or user application support/help desk, of which 2 years of the experience must have been comparable in scope and complexity to the next lower payband in the University of Hawai'i broadband system; or equivalent education/training or experience.

Considerable working knowledge of the use of computers for teaching, training and/or learning (e.g., educational technology systems) as demonstrated by the broad knowledge and understanding of the full range of pertinent standard and evolving information technology concepts, principles and methodology.

Considerable working knowledge and understanding of the broad technology, systems, hardware and software associated with application development, teaching, training, and/or learning with technology (e.g., educational technology).

Demonstrated ability to recognize a wide range of intricate problems, use reasoning and logic to determine accurate causes, and apply principles and practices to determine, evaluate, integrate, and implement practical and thorough solutions in an effective and timely manner.

Demonstrated ability to interpret and present information and ideas clearly and accurately in writing, verbally and by preparation of reports and other materials.

Demonstrated ability to establish and maintain effective working relationships with internal and external organizations, groups, team leaders and members, and individuals.

For supervisory work, demonstrated ability to lead subordinates, manage work priorities and projects, and manage employee relations.

Any equivalent combination of education and/or professional work experience which provides the required education, knowledge, skills and abilities as indicated.

Considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, and Perl.

Considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service.

Knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology.

Working knowledge of database integration and management including SQL and MySQL, & ability to create relational databases as needed.

Considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint,

<https://sece.hawaii.edu/sece/std/jobInfoDisplay.do?jobId=98805&payId=99&docArea=loginVenu>

Page 1 of 3

UH Center for Career Development + Student Employment
University employment opportunities posted on SECE Job Board

Page 87 of 151

000090

Campus Student Employment Office | Campus Student Employment Office | Detailed Job Listing

8/15/10 8:50 PM

Microsoft Outlook).

Duties :

Develops medical education and administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment.

System Administration: manages & administers applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management.

Designs, implements & integrates subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP.

Tests & debugs systems of medium to high complexity for a distributed computing environment.

Mobile Devices: provides application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations. Prepares written technical documentation for systems of medium to high complexity.

Generates materials & conducts training for end-users including faculty, staff, & students on use of software, web applications, PDAs, Databases, etc.

Database Management: Designs, develops, implements & maintains databases supporting student education & curriculum administration.

Database Management: supports statistical analysis & data management of exam responses, survey questions, course materials, and curriculum map.

Keeps abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations.

Identifies technologies applicable to or of potential use to JABSOM; acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies.

Assists users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution; also, provides technical consulting on the implementation & application of selected solutions.

Integrates IT skills and knowledges in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM.

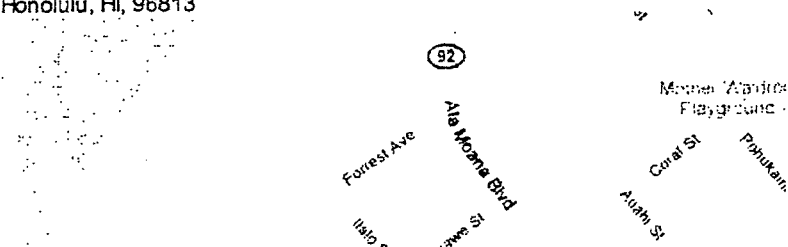
Other duties as assigned

Salary range : To be discussed at time of interview.

Other salary info : Pay Band: B

Benefits : Information is available at www.hawaii.edu/ohr

Address : 651 Ilalo St
Honolulu, HI, 96813



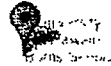
<https://sece.its.hawaii.edu/sece/stc/jobInfoDisplay.do?jobId=98805&payId=99&locArea=loginMenu>

Page 2 of 3

Campus Student Employment Office | Campus Student Employment Office | Detailed Job Listing

9/15/10 8:50 PM

47 48



Cooke St
Ohe St
Koula St
Ala Moana Bldg
92

Map data ©2010 Google, Sanborn -

No. of
Openings : 1
Start Date : ASAP
Closing Date : 09-04-2010
Job Program : FULL TIME
Job Affiliation : UH Manoa
Job Number : 98805

[Return to Search Results](#)

Copyright © 2002 MIS - University of Hawaii

CDSE Homepage | SECE Job Database



SECE and you
shall find.



Students ▾ Alumni UH Employers ▾ Non-UH Employers ▾ Events ▾ Workshops ▾ About Us ▾ Site Map

PROGRAMS

CDSE Job Programs

The Center for Career Development and Student Employment offers students and alumni the opportunity to find employment through a series of job programs. Below you will find a list of the job programs we offer. If you would like more information about the following programs send an email to cdse@hawaii.edu to request more information.

University Employment

Working at the University. There are nearly 4,000 students working on the UHM campus. CDSE can help you find the University job you've been looking for.

- Variety of positions
- Convenient on-campus locations
- Flexible hours

Search for University Employment on the [sece job board](#)

Non-University Employment

Working in the community. From small businesses to international corporations, CDSE allows you to connect with employers suited to your interest.

- Seasonal positions & Summer jobs
- Part-time work
- Full-time, permanent work

Search for Non-University Employment on the [sece job board](#)

Cooperative Education (Co-op) / Internships

Working in your Major. The Cooperative Education and Internship programs allow you to gain practical real world experience in your major while still in school.

- Individualized career planning
- Develop a marketable job portfolio
- Network with professionals
- Put theory into practice & gain professional skills

Learn More | Search for Co-op / Internships on the [sece job board](#)

Federal Work Study

Working in the community and university. Federal Work Study is a financial-aid based program that subsidizes a portion of college expenses by offering employment in career or community service positions.

- Personalized employment counseling
- High priority for job referrals
- Variety of positions on and off campus

Learn More | Search for Federal Work Study opportunities on the [sece job board](#)



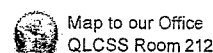
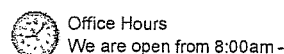
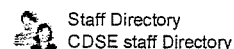
Featuring UHM Program and Course Internships, Employers, and Resources related to Sustainability.

[Learn More >](#)

resourceLibrary


CDSE invites students to browse the virtual library containing helpful books, Internships, Careers, Job Search, and Graduate School Application.


[Learn More >](#)





Upcoming Events


Job Programs:


 Career Spotlight posted - Sustainability


 Craft Fair and Silent Auction dates announced


 Employer Recruitment Schedule now online


 Graduate and Law Schools Fair date announced


 Full-time Jobs are now available online


 Store your Credential Files at CDSE

 Student applicants interviewed via webcam

 University Employment

 Non-University Employment

 Cooperative Education (Co-op) / Internships

 Federal Work Study



What can I do with this major?

Still trying to decide which major is right for you? About to finish your degree and you still don't know what kind of jobs you can get with your major? Take a look at our fact sheet to learn more about your major. [Learn More](#)



Email Address:
cdse@hawaii.edu



Phone Number:
(808) 956-7007



Fax Number:
(808) 956-4082



Subscribe to the CDSE Listserve

Enter your email address and click the sign up button to subscribe to the CDSE

[Sign Up](#)

Leave a Comment

Your Name: (required)

Your Email Address: (required)

Write your comment here: (required)

officially Journals

Type the two words:



[Submit Comment](#) [Clear Form](#)

*All comments must be approved before they are posted to the website.

CDSE Homepage | SECE Job Database

Search



UNIVERSITY
of HAWAII
MĀNOA

CAREER DEVELOPMENT & STUDENT EMPLOYMENT



COOPERATIVE EDUCATION
UNIVERSITY OF HAWAII

3000 end you
shell find.



Students ▾ Alumni ▾ UH Employers ▾ Non-UH Employers ▾ Events ▾ Workshops ▾ About Us ▾ Site Map

Home > About

About CDSE

Information Staff Directory Office Hours Map to our Office Contact Us

Information about our office

CDSE is a new and evolving department in the Office of Student Affairs. Our primary mission is to partner with both University and Non-University employers to empower UH Manoa students to engage in career life planning through awareness, exploration, experience, and reflection.

Mailing Address

Career Development and Student Employment
2600 Campus Rd. Room 212
Honolulu, HI 96822



Featuring UHM Program and Courses, Paid Internships, Employers, and Resources related to Sustainability.

Learn More ▶

Upcoming Events

- Career Spotlight posted - Sustainability
- Craft Fair and Silent Auction dates announced
- Employer Recruitment Schedule now online
- Graduate and Law Schools Fair date announced
- Full-time Jobs are now available online
- Store your Credential Files at CDSE
- Student applicants interviewed via webcam

Job Programs:

- University Employment
- Non-University Employment
- Cooperative Education (Co-op) / Internships
- Federal Work Study



What can I do with this major?

Still trying to decide which major is right for you? About to finish your degree and you still don't know what kind of jobs you can get with your major? Take a look at our fact sheet to learn more about your major. [Learn More](#)

resourceLibrary

CDSE invites students to browse through the virtual library containing helpful books on Internships, Careers, Job Search, and Graduate School Application.

Learn More ▶



Staff Directory
CDSE staff Directory



Office Hours
We are open from 8:00am - 4:00pm.



Map to our Office
QLCSS Room 212



Email Address:
cdse@hawaii.edu



Phone Number:
(808) 956-7007



Fax Number:
(808) 956-4082

Subscribe to the CDSE Listserv



UNIVERSITY
of HAWAII®
MĀNOA

February 9, 2011

U.S. Department of Labor
Audit Team
Atlanta Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

RE: ETA Case Number: A-10344-38244
Alien's Name: Ya-Wen Hsiao

To Whom It May Concern:

Thank you for the opportunity to respond to questions related to Case # A-10344-38244. It is very important that our institution is in full compliance with the requirements of the U.S. Department of Labor.

Response to Audit Reason:

The minimum requirements and/or skills necessary to perform the listed duties of this position cannot, in our context, be achieved with on-the-job training within a reasonable period of time. The justification for this determination falls in three parts. First, this position requires a unique set of interdependent skills. Second, there are no supervisors within the Office of Medical Education able to teach or train a new hire in all of the required skills. Third, we require an educational technologist to begin working now as classes requiring their expertise have already begun.

A Unique Set of Interdependent Skills

The Educational Technology position at the Office of Medical Education is a multi-faceted position requiring interdependent skills. Not only do we require a worker capable of supporting desktop software, developing software applications, internet connectivity, mobile devices, computer trouble-shooting, audiovisual devices, iPhone, iPad, web-based content, and the myriad of other programs listed, but this person must be able to work with faculty and staff to select, manage, and administer the application of these technologies to medical education. In our context, these skills are interdependent. Without the technical knowledge, our employee cannot provide the support or assistance of its use to others. Without familiarity with medical education environments and the ability to train and/or consult with the users, the technical knowledge is without value. A

U.S. Department of Labor
Audit Team
February 9, 2011
Page 2

successful candidate in our view must possess the entire skills set. It simply is not possible for us to teach a candidate the technical knowledge, the educational environment in which it is applied, and the ability to interface with many faculty and staff in multiple parallel educational projects within a reasonable period of time.

No Office Supervisors Able to Teach or Train the Educational Technologist in the Required Skills

The Office of Medical Education is charged with oversight of the entire first-two years of the JABSOM curriculum and contributes to courses in the third and fourth years. Our faculty consists primarily of clinician or basic science educators. We have an excellent staff of employees trained in educational support; however, there are currently no faculty or staff members within the office trained in educational technology. We have no faculty members even approaching the technical knowledge listed in the minimum requirements for this position. Furthermore, we have no faculty members experienced in guiding other faculty members from multiple departments in the development of online educational content. Even if it were possible for a candidate to learn all the skills necessary in a reasonable period of time, we have no mentor available for that candidate.

A Fully Functional Educational Technologist is Needed Now

We require an educational technologist to be fully functional now since classes have already started. One specific example to further explain this is our placement of first-year students in the neighbor island of Hilo, Hawaii, for the first time in the school's history. Our use of JBOWS, an online educational resource for students, and our ability to broadcast lectures and other educational sessions from the Medical Education Building are essential for these students. This is also a requirement of our accrediting agency, the Liaison Committee on Medical Education (LCME), which stipulates that medical schools must utilize off-campus education for selected medical students. The LCME is the organization that determines accreditation of each medical school within the United States. These courses began at the start of January 2011; therefore, even a brief training period would be detrimental to our efforts.

Our intent with this position was to hire the individual who could best meet the stated requirements. The skill set is unique and interdependent. We have no one in our office able to teach these skills, and full use of these skills is required now. For these reasons, we respectfully submit our view that the skills required for this position in our context cannot be learned on-the-job in a reasonable amount of time.

U.S. Department of Labor
Audit Team
February 9, 2011
Page 3

Response to Audit Request:

Enclosed are copies of all cover letters, resumes, list of references, transcripts, and University of Hawaii Employment Application Form 64 for the applicants (total of four (4)) who applied for the position of Information Technology (Educational Technology Specialist) for the College of Health Sciences and Social Welfare/John A. Burns School of Medicine, Office of Medical Education at the University of Hawaii at Manoa.

Two (2) applicants that were not selected and one (1) applicant withdrew his application for the position. Lloyd Nakata (hereinafter Nakata) and James Shoemaker (hereinafter Shoemaker) were the two applicants that were not selected. Craig Spurrier (hereinafter Spurrier) withdrew his application.

Nakata was contacted on October 12, 2010, to schedule an interview with the Office of Medical Education's Interview Committee and was interviewed on October 19, 2010, with the Committee. Nakata was again contacted on October 21, 2010, to arrange a second interview with the Director of the Office of Medical Education, Damon Sakai (hereinafter Sakai). Nakata interviewed with Sakai on October 29, 2010.

Nakata was not selected as he did not meet the two minimum qualifications of: 1- having demonstrated ability to lead subordinates and manage employee relations; and, 2- possessing any equivalent combination of education and/or professional work experience which provided the education, knowledge, skills, and abilities required for this position. During the interview, Nakata's responses indicated that he was an independent worker who had very minimal interaction with peers and students throughout his IT career. Nakata also stated that when faced with challenges with the systems, he would prefer to take matters to his supervisor for resolution. Nakata also indicated a lack of direct experiences with various systems and other modalities which would hinder his ability to perform the minimum requirements of the position.

In reference to Shoemaker, it was determined by the Screening Committee that Shoemaker would not be interviewed because he did not meet six (6) of the thirteen (13) minimum qualifications. The minimum qualifications that were not met included: 1- possession of a pertinent baccalaureate degree or equivalent education/training or experience; 2- demonstrated ability to lead subordinates and manage employee relations; 3- any equivalent combination of education and/or professional work experience providing the required education, knowledge, skills and abilities; 4- considerable working knowledge of scripting languages and web development platforms such as ASP,

ASP.NET, PHP, and Perl; 5- working knowledge of database integration and U.S. Department of Labor Audit Team
February 9, 2011
Page 4

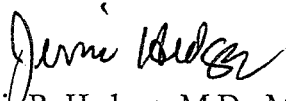
management including SQL and MySQL, and ability to create relational databases as needed; and, 6- considerable knowledge of the limitations, capabilities, and uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

In reference to Spurrier, Sakai had left a voice message requesting Spurrier to contact him to discuss his qualifications for the position. However, sometime at the end of October, 2010, Spurrier left a voice message for Sakai stating that he had already found another position at which time his application was withdrawn.

Both Nakata and Shoemaker were notified via telephone and letters dated February 4, 2011, stating that another candidate had been selected for the position of Educational Technology Specialist.

Your review and consideration of this matter is appreciated and we look forward to your determination of our request regarding ETA Case Number: A-10344-38244.

With best regards,


Jerris R. Hedges, M.D., M.S., M.M.M.
Dean, John A. Burns School of Medicine
University of Hawaii at Manoa

Ya-Wen (Sarah) Hsiao

423 Namahana St., Apt.102, Honolulu, Hawaii 96815
808-728-2646 • yawen@hawaii.edu

August 3, 2010

Dr. Damon Sakai
UH, John A. Burns School of Medicine
Office of Medical Education
651 Ilalo Street, Medical Education Building, 3rd Floor
Honolulu, Hawaii 96813

Dear Dr. Sakai,

Having been working with JABSOM for the past 5 years, it could not have been any more exciting when I saw the opportunity to work not only in the same general field, but to actually be hands on with what I am truly passionate about. That is why I would like to submit my application for the position of Educational Technology Specialist.

For the past five years, I have been working as a helpdesk specialist to the Office of Information Technology at the John A. Burns School of Medicine giving both PC and MAC support to over 800 clients and users on a daily basis. I have progressively been given responsibilities that not only advanced my desire to help the school be at the cutting edge of technology, it also honed my management skills and gave me the tools needed to be a technically skilled; detail oriented and well organized task manager.

Being one of three specialists that take care of the entire school, I am pushed to constantly learn new technologies and share new solutions to my co-workers and the clients that we serve. This situation also called for a strong demand of efficiency and effectiveness in dealing with technical issues that we handle. I have taken on the task of documenting not only each and every case that we handle, but also the solutions that we have taken to solve the problem. I can confidently say that this practice has not only doubled our efficiency, it has also alleviated and diffused numerous misunderstandings between us and the clients.

Planning and implementing a new technology is never an easy task. There are so much pieces to every project that communication is not just a tool, I believe that good communication skills is a requirement to every endeavor. That is why I am so proud of spearheading and being the lead coordinator for the Resource Scheduler and the Resource Web Request that JABSOM currently uses as the room reservation system. This project entailed me working with the vendors and in-house programmers to plan, to design and to implement this integral system.

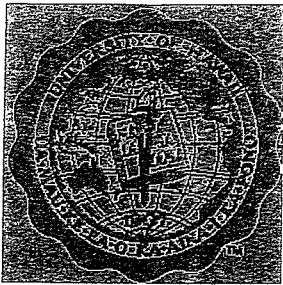
Some of the current projects that I am helping with are the medical students evaluation system and the clinical optimization scheduling system. Also on the horizon is being one of the project managers for the FAS and the Non-compensated faculty evaluation system.

As you can see, not only do I bring a can-do attitude to this position, I also bring the technical, practical and managerial skills that you require and that this position deserves. I look forward to scheduling an interview with you at your earliest convenience and hope that I will be given the opportunity to create an even greater positive impact to the school.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Ya-Wen' followed by a stylized flourish.

Ya-Wen (Sarah) Hsiao




**UNIVERSITY OF HAWAII
EMPLOYMENT APPLICATION FORM
Administrative, Professional and Technical Positions**

This form is used to provide information about you relative to the position(s) for which you are applying. This completed form and a **comprehensive resume**, must both be submitted in accordance with the filing requirements specified in the advertisement. (See Suggested Resume Format - PDF Format).

Position Title: Information Technology-Educational Technology Specialist				Position No.: 0078233	
Name: Last HSIAO		First YA-WEN		Middle Initial	
Home Address: Street 423 Namahana Street,		Apt. # 102	City Honolulu	State HI	Zip Code 96815
Home Telephone: 808-728-2646			Business Telephone: 808-692-1103		
Email Address: yawen@hawaii.edu					
If selected, <u>all</u> individuals must present documentary evidence to verify their eligibility to work, pursuant to the Immigration Reform and Control Act of 1986.					
Employment Status: Complete the following if you are presently or formerly employed by the University of Hawaii'i:					
Department: Office of Information Technology		Official Position Title:		Campus Phone No.:	
College: John A. Burns School of Medicine		Information Technology Specialist		808-692-1103	
Present or Last Appointment Period (if applicable):			FTE: 100%	BU: 08	
Check one of the following boxes if you are exercising employment rights in accordance with Article 10, BU 8 collective bargaining agreement (eligibility subject to verification by the hiring unit):					
<input type="checkbox"/> I am being/have been relieved or terminated because of a lack of work or other legitimate reasons and have reemployment rights as outlined in Article 9, Employment Security.					
<input checked="" type="checkbox"/> I am currently in the bargaining unit.					
Non-Discrimination and Affirmative Action Information: The University of Hawaii'i is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).					
CLERY ACT: In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawaii'i may be viewed at: http://ope.ed.gov/security/ , or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.					

I hereby certify that all statements in this application are true and correct to the best of my knowledge, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights to any employment with the University of Hawaii'i. I also understand that, if selected, I must present documentary evidence to verify my employment eligibility, pursuant to the Immigration Reform and Control Act of 1986. For electronic submissions, original signatures required prior to interview.


Signature

8/3/2010
Date

NOTE: Attach/Submit a **comprehensive resume** and include: 1) your name, current address, phone number(s); 2) **work history** - provide sufficient detailed information with which to determine your qualifications for the position for which you are applying, list all employment in last 10 years beginning with most recent employment and other pertinent employment beyond 10 years; 3) **education** - chronologically list all higher education institutions attended beyond Grade 12, including name, address, major field of study degree/diploma/certificate & date received; 4) **relevant experience** - chronologically list pertinent military, professional, trade, technical, etc., courses you have completed, including institution name, address, subject area, certificate & date received; 5) **publications/research/other professional activities (if applicable to position)** - include co-authors, title of journal/publication & date, if book, publication date & publisher; 6) **knowledge of language other than English if required for position** - identify language and include ability to read, write, converse; and 7) **pertinent professional memberships and awards** - list, as appropriate, membership in professional or scientific societies, honors, awards, fellowships, etc; 8) **references** - provide complete contact information, as required by position advertisement. See Suggested Resume Format - PDF format.

An Equal Opportunity/Affirmative Action Institution

423 Namahana St., Apt. 102
Honolulu, Hawaii 96815,
USA

Cell phone: 1-808-728-2646
Work phone: 1-808-682-1103
E-mail: yawen@hawaii.edu
sarah@pioux.com

Ya-Wen (Sarah) Hsiao

Education	<p>September 2003 – December 2005 Hawaii Pacific University Master of Science in Information System</p> <p>September 2001 – June 2003 Shih Chieh University B.B.A Applied Foreign Languages</p> <p>September 1996 – June 2001 Kun Shan University of Technology Associate Degree in Applied Foreign Language</p>
Experiences	<p>Information Technology Specialist November 2005 – current John A. Burns School of Medicine, University of Hawaii</p> <ul style="list-style-type: none"> ✦ Responsible for providing technical support for PC and MAC to over 800 clients on a daily basis ✦ Respond to clients' issues by email, phone, and personally doing on-site troubleshooting within 24 hours ✦ Provide Audio Visual support to JABSOM personnel as well as affiliated organizations in using the different meeting facilities even during non-office hours ✦ Created and maintained a detailed record of all service tickets resulting in an overwhelming increase in efficiency for the Office of Information Technology ✦ Spearheaded and coordinated with the vendors and in-house programmers with the planning, design, testing, implementation and support of Resource Scheduler and Resource Scheduler Web Request for JABSOM room reservation. ✦ Provide telecommunication support which includes both phone and network connectivity ✦ Analyze and provide advice and vendor quotations to clients looking to upgrade department technology capital by continually keeping myself abreast of current technologies ✦ Coordinate and delegate tasks to the entire Helpdesk personnel ✦ Currently working closely with the vendors with the planning and implementation of medical students evaluation system and clinical rotating scheduling optimization system ✦ One of the project managers for FAS and Non Compensate Faculty Evaluation System ✦ Fill in the gaps of the IT department by taking on extra responsibilities <p>Assistant Computer Support Specialist February 2004 – November 2005 Hawaii Pacific University</p> <ul style="list-style-type: none"> ✦ Responsible for troubleshooting PC hardware and software issues for the entire campus ✦ Provide telephone support to students, faculty and staff ✦ Follow up and ensure timely response to the issues that are experienced by the clients ✦ Utilize and manage limited resources to repair out of service PCs <p>Applied Foreign Languages Department Student Assistant February 2002 – February 2003 Shih Chieh University</p> <ul style="list-style-type: none"> ✦ Interpreter for the department ✦ Maintain computers for faculty and staff <p>Computer Center Student Assistant March 1998 – June 2001 Kun Shan University of Technology</p> <ul style="list-style-type: none"> ✦ Responsible for maintaining over 200 computers on campus ✦ Help students troubleshoot computers
Skills	<ul style="list-style-type: none"> ✦ 10 years experience in Windows OS (Win95 – Win7), MS Office ('95 – 2010), Word, Excel, Access, PowerPoint, FrontPage, Project, rebuilding PCs and Mac, various application usages and installations, configuring/troubleshooting e-mail (MS Outlook, Outlook Express, Thunderbird, Entourage, Eudora, Mail), setting up and troubleshooting printer/fax/Cisco phones, malware/spyware/virus removal, and experienced in Citrix remote control ✦ 4 years experience in Mac OS, Mac applications ✦ 8 years experience in Project Management ✦ Experience in using Rational Rose (UML) application for creating customized web application ✦ HTML, JAVA, SQL, Photoshop, Adobe Acrobat Professional PDF ✦ Basic knowledge in programming concepts ✦ Excellent communication skills towards clients and vendors ✦ Language skills: English, Chinese, Chinese-Taiwanese

References	<p>Virginia Tanji University of Hawaii, JABSOM Director Health Sciences Library Phone 1-808-692-0283 Email: tanji@hawaii.edu</p> <p>Corinne M. Seymour University of Hawaii, JABSOM Director Fiscal and Administrative Affairs Office Phone 1-808-692-1160 Email: cseymour@hawaii.edu</p> <p>Gregg T. Takayama University of Hawaii, Manoa Director Community and Government Affairs Phone 1-808-956-9836 1-808-383-3212 Email: greggt@hawaii.edu</p>
------------	---

Hawaii Pacific University

OFFICIAL TRANSCRIPT

The official signature of the Registrar is white and is imposed upon a light blue institutional seal. Reject document as official if either is distorted.

Student No: 000641054

Date of Birth: 01 JAN-1981

Date Issued: 08 DEC-2010

Record of: Ya-wen Hsiao

Page: 1

Issued To: Attn Lori Chau

Medical Education Building
Office of Medical Education
651 Ilalo Street
Honolulu, HI 96813
United States of America

Richard L. Yount
University Registrar

Course Level: Graduate
Student Type: Continuing - Degree Seeking

Degree Awarded: Master of Sci in Info Systems 18-DEC-2005
Major: ---

SUBJ NO.	C	COURSE TITLE	CRED	GRD	PTS	R
----------	---	--------------	------	-----	-----	---

INSTITUTION CREDIT:

Spring 2004

IS 6000	D	Cont Issues in U.S. Profession	3.00	B	9.00	
MATH 1123	D	Statistics	3.00	B	9.00	
MGMT 6100	D	Res Meth and Writ	3.00	A	12.00	
Ehrs: 9.00		GPA-Hrs: 9.00	Qpts: 30.00	GPA: 3.33		

Summer Term III 2004

QM 6010	D	Quantitative Methods	3.00	C+	6.90	
Ehrs: 3.00		GPA-Hrs: 3.00	Qpts: 6.90	GPA: 2.30		

Summer Term IV 2004

FIN 3000	O	Business Finance	3.00	B	9.00	
IS 5050	D	Modern Prog Fundamentals	3.00	A	12.00	
Ehrs: 6.00		GPA-Hrs: 6.00	Qpts: 21.00	GPA: 3.50		

Fall 2004

IS 5060	D	Software Engineering Tools	3.00	A	12.00	
---------	---	----------------------------	------	---	-------	--

***** CONTINUED ON NEXT COLUMN *****

SUBJ NO.	C	COURSE TITLE	CRED	GRD	PTS	R
----------	---	--------------	------	-----	-----	---

Institution Information continued:

IS 6020	D	Mod Methods in Project Mgmt	3.00	A	12.00	
IS 6050	D	Modern Programming Practice	3.00	B	9.00	
IS 6991	H	Paid Internship	3.00	P	0.00	
Ehrs: 12.00		GPA-Hrs: 9.00	Qpts: 33.00	GPA: 3.66		

Spring 2005

IS 5070	D	Intro to Hardware & Data Comm	3.00	B	9.00	
IS 6065	D	Enterprise Info Management	3.00	C	6.00	
IS 6100	D	Corporate Information Systems	3.00	A	12.00	
Ehrs: 9.00		GPA-Hrs: 9.00	Qpts: 27.00	GPA: 3.00		

Summer Term II 2005

IS 6110	D	Comp Software Eng	3.00	B	9.00	
IS 7010	D	Technology Strategy	3.00	B	9.00	
IS 7100	D	Professional Paper I	3.00	A	12.00	
Ehrs: 9.00		GPA-Hrs: 9.00	Qpts: 30.00	GPA: 3.33		

Fall 2005

IS 6120	D	Software Engineering Practicum	3.00	A	12.00	
IS 6130	D	Telecommunications	3.00	B	9.00	
IS 6991	H	Paid Internship	1.00	P	0.00	
IS 7200	D	Professional Paper II	3.00	A	12.00	
Ehrs: 10.00		GPA-Hrs: 9.00	Qpts: 33.00	GPA: 3.66		

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	58.00	54.00	180.90	3.35

TOTAL TRANSFER	0.00	0.00	0.00	0.00
----------------	------	------	------	------

OVERALL	58.00	54.00	180.90	3.35
---------	-------	-------	--------	------

***** END OF TRANSCRIPT *****

Hawaii Pacific University

OFFICIAL TRANSCRIPT

The official signature of the Registrar is white and is imposed upon a light blue institutional seal. Select document as official if either is distorted.

Student No. 000641054

Date of Birth: 04-JAN-1981

Date Issued: 08-DEC-2010

DEC - 9 2010

Record of: Ya-Men Hsiao

Page: 1

Issued To: Attn Lori Chau

Medical Education Building
Office of Medical Education
651 Ilalo Street
Honolulu, HI 96813
United States of America

Richard L. Yount
University Registrar

Course Level: English Foundations

SUBJ NO.	C	COURSE TITLE	CRED GRD	PTS R
----------	---	--------------	----------	-------

INSTITUTION CREDIT:

Fall 2003

EFP 1360	D	College Grammar Review	3.00 A-	11.10
EFP 1500	D	Advanced Oral Fluency/GS	3.00 A-	11.10
EFP 1550	D	Advanced Reading/GS	3.00 B	9.00
EFP 1570	D	Advanced Composition/GS	3.00 B+	9.90
EFP 1590	D	Adv Acdm Research & Writing/GS	3.00 B	9.00
Ehrs: 15.00 GPA-Hrs: 15.00 Qpts: 50.10 GPA: 3.34				

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	15.00	15.00	50.10	3.34
TOTAL TRANSFER	0.00	0.00	0.00	0.00
OVERALL	15.00	15.00	50.10	3.34

***** END OF TRANSCRIPT *****

Applicant #2

Lloyd Nakata

SEP - 1 2010

Lloyd A. Nakata
2249 Dole Street
Honolulu, HI. 96822

September 1, 2010

Information Technology

To whom it may concern:

I am a graduate from Hawaii Pacific University with a Bachelor of Science degree in Computer Science. The primary focus in school was upon programming and analysis. My strengths are my hands on experience I have faced with problems in both software applications and hardware.

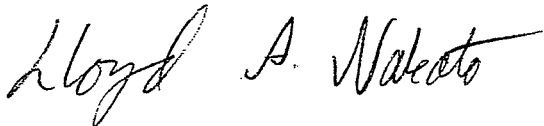
In my previous job at PCS I was responsible for setting up the LAN environment and installing the programs and resources to ensure a cohesive work environment. I have also answered problem calls concerning both hardware and software problems. I have replaced and fixed hardware in PC's as well as in printers and was responsible for testing new software packages.

I have created a web application that automatically created reports and uploaded it to the web for all Community Colleges to retrieve using secure log ins using only Microsoft products.

Currently my job position requires me to write new programs and to modify existing program to fulfill the needs of the users. I am also the trouble shooter for the Accounts Receivable department for all 10 campuses staff and students for Banner and TouchNet. I am responsible to test and train any new applications I develop or any upgrades to the Banner or TouchNet system.

I have experience in forming new ideas and techniques in developing a system or a procedure which would benefit the users by helping them become more productive and find it very satisfying once accomplished. I believe my diverseness is my strengths as well as my eagerness to learn.

Sincerely,

A handwritten signature in black ink that reads "Lloyd A. Nakata". The signature is written in a cursive, flowing style.

Lloyd A. Nakata



UNIVERSITY OF HAWAII
EMPLOYMENT APPLICATION FORM
Administrative, Professional and Technical Positions

This form is used to provide information about you relative to the position(s) for which you are applying. This completed form and a **comprehensive resume**, must both be submitted in accordance with the filing requirements specified in the advertisement. (See Suggested Resume Format - PDF Format).

Position Title: Information Technology (Educational Technology Specialis				Position No.: 0078233	
Name: Last Nakata		First Lloyd		Middle Initial A	
Home Address: Street 2249 Dole Street		Apt. #		City Honolulu	State HI
				Zip Code 96822	
Home Telephone: (808)947-3837			Business Telephone: (808)956-3171		
Email Address: lloyd@hawaii.edu					
If selected, all individuals must present documentary evidence to verify their eligibility to work, pursuant to the Immigration Reform and Control Act of 1986.					
Employment Status: Complete the following if you are presently or formerly employed by the University of Hawai'i:					
Department: Cashier's Office		Official Position Title:		Campus Phone No.:	
College:		Information Technology		(808)956-3171	
Present or Last Appointment Period (if applicable): 5/1/1995 - pres			FTE: 1.00		BU: 08
<p>Check one of the following boxes if you are exercising employment rights in accordance with Article 10, BU 8 collective bargaining agreement (eligibility subject to verification by the hiring unit):</p> <p><input type="checkbox"/> I am being/have been relieved or terminated because of a lack of work or other legitimate reasons and have reemployment rights as outlined in Article 9, Employment Security.</p> <p><input checked="" type="checkbox"/> I am currently in the bargaining unit.</p>					
<p>Non-Discrimination and Affirmative Action Information: The University of Hawai'i is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).</p>					
<p>CLERY ACT: In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawai'i may be viewed at: http://ope.ed.gov/security/, or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.</p>					

I hereby certify that all statements in this application are true and correct to the best of my knowledge, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights to any employment with the University of Hawai'i. I also understand that, if selected, I must present documentary evidence to verify my employment eligibility, pursuant to the Immigration Reform and Control Act of 1986. For electronic submissions, original signatures required prior to interview.

Lloyd Nakata
 Signature

9/1/2010
 Date

NOTE: Attach/Submit a **comprehensive resume** and include: 1) your name, current address, phone number(s); 2) **work history** - provide sufficient detailed information with which to determine your qualifications for the position for which you are applying, list all employment in last 10 years beginning with most recent employment and other pertinent employment beyond 10 years; 3) **education** - chronologically list all higher education institutions attended beyond Grade 12, including name, address, major field of study degree/diploma/certificate & date received; 4) **relevant experience** - chronologically list pertinent military, professional, trade, technical, etc., courses you have completed, including institution name, address, subject area, certificate & date received; 5) **publications/research/other professional activities (if applicable to position)** - include co-authors, title of journal/publication & date, if book, publication date & publisher; 6) **knowledge of language other than English if required for position** - identify language and include ability to read, write, converse; and 7) **pertinent professional memberships and awards** - list, as appropriate, membership in professional or scientific societies, honors, awards, fellowships, etc; 8) **references** - provide complete contact information, as required by position advertisement. See Suggested Resume Format - PDF format.

An Equal Opportunity/Affirmative Action Institution

LLOYD A. NAKATA
2249 Dole Street
Honolulu, Hawaii 96822
Phone: (808) 947-3837

JOB OBJECTIVE: Desire a position as an IT Educational Technology Specialist with an opportunity for advancement.

EDUCATION:

1992 – 1993

Hawaii Pacific University, Honolulu, Hawaii
Bachelor of Science, Computer Science December 1993.
Areas of studies: PC and LAN with emphasis on programming, hardware technology and software applications.

1983 – 1990

Kapiolani Community College, Honolulu, Hawaii
Associate of Science, Data Processing December 1990.
Areas of studies: microcomputers, minicomputers and mainframes. Projects included a system used by OAIS Student Services and a banking system design.

1982 – 1983

University of Puget Sound, Tacoma, Washington
Educational start in Computer Science

1978 – 1982

Saint Louis High School, Honolulu Hawaii
High School diploma May 1982

WORK EXPERIENCE:

1997 – pres

University of Hawaii, Honolulu, Hawaii
IT Specialist Write new programs requested by the users. Modify existing programs to fit the need of the users. Upload and download data from the PC to the mainframe. Set up and maintain Cashier's Office network including servers, email, cabling, databases, computers and printers. Database Administrator, Network Administrator, Security Administrator.

1995 – 1997

Pacifico Creative Services, Honolulu, Hawaii
Specialist Responsible to write programs which the users request. Setting up PC and the Local Area Network. Handling upgrades for both hardware and software on both PC's and the AS/400. Troubleshooting any software and hardware problems on the PC's and AS/400. Design accounting system using MS Access.

1994 – 1995

MNS Ltd. (ABC Stores), Honolulu, Hawaii
Computer Programmer Responsible to write programs with enable the AS/400 to run efficiently for the users. Oversee the

operations of the Data Processing Department. Prepare stores who are to receive the Point of Sales systems. Ensure that each store system is running efficiently and error free.

- 1991 – 1994 **Hawaiian Dredging Construction**, Honolulu, Hawaii
Computer Operator/Coordinator Responsibilities include oversee operations of the AS/400, system programming and monitor system work flow.
- 1987 – 1990 **Halekulani**, Honolulu, Hawaii
Waiter full-time at a five diamond hotel. Good communications skills, customer service, and a team-player. Promoted from busboy after one year.
- 1986 – 1987 **Tony Romas**, Honolulu, Hawaii
Supervisor full-time of the night crew. Responsible for food preparation and cooking.
- 1983 – 1986 **Zippys**, Honolulu, Hawaii
Trained new employees on procedures and policies
Shift Leader in charge of the kitchen crew.
Head Cook responsible to delegate duties, food preparation, food control, and cost control.
- 1980 – 1982 **P & P**, Honolulu, Hawaii
Courtesy Clerk responsible to aid cashiers, stock shelves and assistant to the manager.

TECHNICAL SKILLS:

Knowledge in SQL, SQL Server, TCP/IP, eMail, HTML, JAVA, Natural, RPG II/III, CL, COBOL, JCL, CICS, PASCAL, Assembler, System Analysis, WordPerfect, Visual Basic, Ethernet, LAN, WAN, MS Word/Excel/Access/Publisher/PowerPoint, FTP, Banner

PERSONAL:

Helped organized the March of Dimes Walk for Life campaign and the Cancer fund raiser for Hawaii. My hobbies include softball, basketball, volleyball, golf and bowling.

Professional References

Gregg Yoshimura	Student Service Specialist	956-9432	greggy@hawaii.edu
Derek Seu	Director of Cashier's Office	956-2100	dseu@hawaii.edu
Janice Kondo	Asst Dir of Cashier's Office	956-2101	kondo.j@hawaii.edu
Lori Ty	Cashier Manager	734-9898	lty@hawaii.edu

Student No. 201183372

Date of Birth: 31-JUL-1964

Date Issued: 24-AUG-2010

0

Record of: Lloyd Akishige Nakata

Page: 1

Issued To: Lloyd Nakata
2249 Dole Street
Honolulu, HI 96822

Richard L. Yount
University Registrar

SUBJ	NO.	C	COURSE TITLE	CRED	GRD	PTS	R
------	-----	---	--------------	------	-----	-----	---

Institution Information continued:

CSCI 431	D	Algorithms	3.00	B	3.00	I	
ENG 120	D	Advanced Composition	3.00	B	9.00	I	
MATH 301	D	Discrete Mathematics	3.00	C	6.00	I	
PSCI 100	D	American Institutions	3.00	B	9.00	I	
Ehrs:	15.00	GPA-Hrs:	15.00	Qpts:	33.00	GPA:	2.20

Course Level: Undergraduate

Student Type: Continuing - Degree Seeking

Comments:

Conferral Summary for BS in Computer Science

-- University of Puget Sound 15

-- Kapiolani Community College 52

Degree Awarded: Bachelor of Science 31-DEC-1993

Major: Computer Science

SUBJ	NO.	C	COURSE TITLE	CRED	GRD	PTS	R
------	-----	---	--------------	------	-----	-----	---

Spring Semester 1993

CSCI 375	D	Operating Sys:Design/Implt	3.00	WF	0.00	I	
ECON 210	D	Prin of Microeconomics	3.00	B	9.00	I	
MATH 204	D	Calculus: Bus/SocSci I	3.00	A	12.00	I	
SCI 202	D	Elements of Physics	4.00	C	8.00	I	
Ehrs:	10.00	GPA-Hrs:	10.00	Qpts:	29.00	GPA:	2.90

PRE-SYSTEM TRANSFER SUMMARY HOURS

Ehrs: 67.00 GPA-Hrs: 0.00 Qpts: 0.00 GPA: 0.00

INSTITUTION CREDIT

Ext Summer Session 1993

CSCI 375	D	Operating Sys:Design/Implt	3.00	B	9.00	I	
Ehrs:	3.00	GPA-Hrs:	3.00	Qpts:	9.00	GPA:	3.00

Spring Semester 1992

CSCI 305	D	Prog Concepts with Pascal	3.00	A	12.00	I	
CSCI 338	D	Microcomp Applics to Mgmt	3.00	A	12.00	I	
LAW 300	D	Business Law I	3.00	B	9.00	I	
MATH 321	D	Statistical Techniques I	3.00	C	6.00	I	
MGMT 100	D	Organization & Management	3.00	B	9.00	I	
Ehrs:	15.00	GPA-Hrs:	15.00	Qpts:	48.00	GPA:	3.20

Summer Session 2 1993

MATH 215	D	Calculus II	3.00	D	3.00	I	
Ehrs:	3.00	GPA-Hrs:	3.00	Qpts:	3.00	GPA:	1.00

Ext Summer Session 1992

CSCI 311	D	Data Structures	3.00	C	6.00	I	
Ehrs:	3.00	GPA-Hrs:	3.00	Qpts:	6.00	GPA:	2.00

Fall Semester 1993

CSCI 401	D	Computer Hardware Tech	3.00	B	9.00	I	
HUM 300	D	The Contemporary Choices	3.00	B	9.00	I	
HUM 450	D	The World Problematique	3.00	B	9.00	I	
MGMT 310	D	Career Communications	3.00	A	12.00	I	
Ehrs:	12.00	GPA-Hrs:	12.00	Qpts:	39.00	GPA:	3.25

Fall Semester 1992

CSCI 402	D	Software Theory & Design	3.00	C	6.00	I	
----------	---	--------------------------	------	---	------	---	--

CONTINUED ON NEXT COLUMN

CONTINUED ON PAGE 2

Hawaii Pacific University

OFFICIAL TRANSCRIPT

The official signature of the Registrar is white and is imposed upon a light blue institutional seal. Reject document as official if either is distorted.

Student No. 001183372

Date of Birth: 31 JUL-1964

Date Issued: 24-AUG-2010

Record of: Lloyd Akishige Nakata
Level: Undergraduate

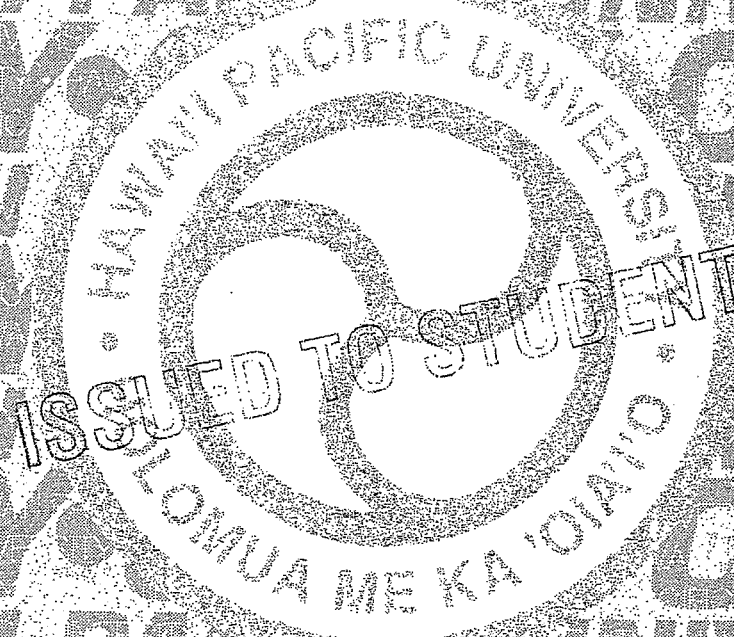
Page: 2

Richard L. Yount
University Registrar

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	61.00	61.00	167.00	2.73
TOTAL TRANSFER	67.00	0.00	0.00	0.00
OVERALL	128.00	61.00	167.00	2.73

***** END OF TRANSCRIPT *****





UNIVERSITY
of HAWAII®
MĀNOA

February 4, 2011

Mr. Lloyd Nakata
2249 Dole Street
Honolulu, HI 96822

Dear Mr. Nakata,

Thank you for applying for the Information Technology (Educational Technology Specialist), Position 0078233, with the John A. Burns School of Medicine. This is to inform you that, after careful consideration, we have selected the best qualified applicant for this position.

Thank you for your time and interest in the School of Medicine. We wish you the best in your future endeavors.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Sakai".

Damon H. Sakai, M.D.
Director

Applicant #3

James Shoemaker

James R. Shoemaker
PO Box 10183
Hilo, HI 96721
(808) 938-0133
james@jamesrshoemaker.com

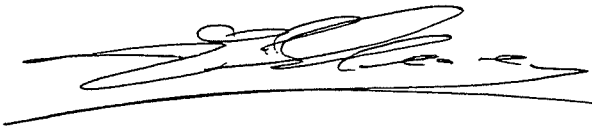
04SEP10

Lori Chau
UH, John A. Burns School of Medicine
Office of Medical Education
651 Ilalo Street, Medical Education Bldg., 3rd Floor
Honolulu, HI 96813

Aloha Ms. Chau,

Please accept this application packet for the available position of Educational Technology Specialist (78233) with The John A. Burns School of Medicine. My extensive background of hands-on, real world application combined with my Associates Degree in Information Technology, have provided me with the tools necessary for the job and my ability to recognize solutions to inevitable problems, along with my dedication to lifelong learning, make me an outstanding candidate. Having 15 years of experience installing, troubleshooting, and maintaining local area networks, hardware, software, and peripheral equipment, I know I will be a valuable addition to the John A. Burns School of Medicine staff. I am familiar with all Windows operating systems and Mac OS-X, have experience with the entire Office suite, Visual Studio, several programming languages, and have run my own ftp and web servers. I am experienced in planning and budgeting for system expansion as well as end-user support and training. My time spent in the United States Marine Corp has given me not only leadership experience, but also the confidence to confront any challenge and the determination to persist against all obstacles. I am currently lecturing two Information Technology courses at Hawaii Community College as well as holding the position of MIS Specialist with the Hawaii National Guard - Kulani Youth Challenge Academy. While these commitments will keep me on the Big Island for this Semester, I can be available to JABSOM at the beginning of next year. I look forward to meeting with you so that we may discuss how my talents and abilities can best serve your department, the University of Hawaii, and its students, faculty and staff. Thank you for your time and consideration.
Sincerely,

James R. Shoemaker



enclosures:
UH Form 64
Resume with references
Copy of Official Transcripts



UNIVERSITY OF HAWAII
EMPLOYMENT APPLICATION FORM
Administrative, Professional and Technical Positions

SEP - 7 2010

This form is used to provide information about you relative to the position(s) for which you are applying. This completed form and a **comprehensive resume**, must both be submitted in accordance with the filing requirements specified in the advertisement. (See Suggested Resume Format - PDF Format).

Position Title: Educational Technology Specialist			Position No.: 78233		
Name: Last Shoemaker		First James	Middle Initial R		
Home Address: Street PO Box 10183	Apt. #	City Hilo	State HI	Zip Code 96721	
Home Telephone: 808.938.0133			Business Telephone:		
Email Address: james@jamesrshoemaker.com					
If selected, <u>all</u> individuals must present documentary evidence to verify their eligibility to work, pursuant to the Immigration Reform and Control Act of 1986.					
Employment Status: Complete the following if you are presently or formerly employed by the University of Hawai'i:					
Department: Business Education and Technology		Official Position Title:		Campus Phone No.:	
College: Hawaii Community College		Lecturer		808.974.7327	
Present or Last Appointment Period (if applicable): Fall 2010			FTE: 27.5%		BU: N/A
Check one of the following boxes if you are exercising employment rights in accordance with Article 10, BU 8 collective bargaining agreement (eligibility subject to verification by the hiring unit):					
<input type="checkbox"/> I am being/have been relieved or terminated because of a lack of work or other legitimate reasons and have reemployment rights as outlined in Article 9, Employment Security.					
<input type="checkbox"/> I am currently in the bargaining unit.					
Non-Discrimination and Affirmative Action Information: The University of Hawai'i is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).					
CLERY ACT: In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawai'i may be viewed at: http://ope.ed.gov/security/ , or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.					

I hereby certify that all statements in this application are true and correct to the best of my knowledge, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights to any employment with the University of Hawai'i. I also understand that, if selected, I must present documentary evidence to verify my employment eligibility, pursuant to the Immigration Reform and Control Act of 1986. For electronic submissions, original signatures required prior to interview.

Signature

04 SEP 10
 Date

NOTE: Attach/Submit a **comprehensive resume** and include: 1) your name, current address, phone number(s); 2) **work history** - provide sufficient detailed information with which to determine your qualifications for the position for which you are applying, list all employment in last 10 years beginning with most recent employment and other pertinent employment beyond 10 years; 3) **education** - chronologically list all higher education institutions attended beyond Grade 12, including name, address, major field of study degree/diploma/certificate & date received; 4) **relevant experience** - chronologically list pertinent military, professional, trade, technical, etc., courses you have completed, including institution name, address, subject area, certificate & date received; 5) **publications/research/other professional activities (if applicable to position)** - include co-authors, title of journal/publication & date, if book, publication date & publisher; 6) **knowledge of language other than English if required for position** - identify language and include ability to read, write, converse; and 7) **pertinent professional memberships and awards** - list, as appropriate, membership in professional or scientific societies, honors, awards, fellowships, etc; 8) **references** - provide complete contact information, as required by position advertisement. See Suggested Resume Format - PDF format.

An Equal Opportunity/Affirmative Action Institution

JAMES R. SHOEMAKER

PO Box 10183
Hilo, HI 96721
(808) 938-0133
james@jamesrshoemaker.com

Employment

July 2005
To March 2010

St. Joseph School – Jeri Spain (Business Manager)
1000 Ululani St.

Hilo, HI

Technology Coordinator / Systems Administrator / Computer Technician

- Budgeting, Planning, Evaluating, Ordering, Installing, Maintaining, and Troubleshooting, System Hardware and Software
- Installation, Configuration, Troubleshooting, Training, and Support for Polycom VSX/VTC System
- Installation, Configuration, Maintenance, Troubleshooting, Training, and Support of 175 Desktop and Laptop Computers
- Installation, Configuration, and Troubleshooting of AVG Network Edition Anti-Virus Software
- Installation, Configuration, and Troubleshooting of Library Database
- Installation, Maintenance, Troubleshooting, Training, and Support for Inkjet, B/W Laser, Color Laser, Local and Networked Printers
- Installation, Maintenance, Troubleshooting, Training, and Support for Scanners, Document Cameras, Webcams, and Digital Cameras
- Technical Support for 50 Faculty and 300 Students
- Installation, Maintenance, and Troubleshooting for TCP/IP Local Area Network
- EIA/TIA Compliant Cabling
- Installation, Configuration, and Troubleshooting of Routers
- Configuration and Troubleshooting of Subnets
- Installation, Configuration, and Troubleshooting of 20 Wireless Access Points (Linksys, D-Link)
- Installation, Configuration, and Troubleshooting of Wireless Bridge
- Installation and Troubleshooting of D-Link 24 Port Switches
- Installation, Configuration, and Troubleshooting of Buffalo Network Attached Storage
- Installation, Configuration, and Troubleshooting of Vicomsoft Policy Manager
- Installation, Configuration, and Troubleshooting of ContentProtect Security Appliance
- Windows 98/NT/Me/2000/XP/Vista/7
- Mac OS-X
- Microsoft Office 2000/2003/2007
- Updating of Operating Systems and Software, Installation of Security Patches, and Removal of Computer Viruses
- End-User Support and Training for Microsoft Word, Excel, PowerPoint, Outlook, Publisher, Access, Info Path, Visio, Adobe Acrobat, Photoshop

August 2001
To August 2005

The Flower Garden - Malinda Anderson (Owner)
808 Kilauea Ave

Hilo, HI

Computer Technician / Bookkeeper / Shipping Manager

- Maintained Computer Network
- Updated Operating Systems and Software
- Installed Security Patches
- Removal of Computer Viruses
- Troubleshooting of Peripheral Devices
- Maintained Accounts Payable

- Invoiced and Maintained Accounts Receivable
- Drafted all Outgoing Checks
- Processed Payments
- Reconciled Bank Accounts
- Cashiering
- Ordered Flowers and Supplies
- Processed Internet Orders
- Answered Customer Emails
- Processed Telephone Orders
- Filled Customer Orders
- Shipped Orders via Federal Express, UPS, and USPS
- Delivered Local Orders
- Trained Delivery Drivers
- Trained Shop Employees
- Coordinated Local Deliveries
- Resolved Customer Complaints

December 1985
To May 1991

HQ Battery, 3rd Battalion, 14th Marines, 4th Marine Division
Field Radio Operator

Philadelphia, PA

- Non-Commissioned Officer Training
- VHF Radio Transmitter/Receiver Operator
- UHF Radio Transmitter/Receiver Operator
- Platoon Vehicle Maintenance Provider
- Licensed M 151 ¼-Ton Jeep Driver
- Licensed High Mobility Multipurpose Wheeled Vehicle (Humvee) Driver
- Licensed M-923 5-Ton Cargo Truck Driver
- Expert Rifle Marksman (M-16 Assault Rifle)
- Expert Pistol Marksman (9mm & .45 Caliber)

Education

Graduated
May 2006

Hawaii Community College
Associate in Science in Information Technology

Hilo, HI

- Windows Operating Systems
- Microsoft Office – Word, Excel, PowerPoint, Access, Outlook
- PC Hardware Support
- PC Software Support
- Event Driven Programming – Visual Basic
- Applied Database Programming in an Object Oriented Environment
- Network Administration
- Help Desk Support
- Data Communication Fundamentals
- Cooperative Education / Internship / Practicum
- Cisco CCNA 1 Networking Basics
- Cisco CCNA 2 Routers/Routing Basics
- Web Site Development
- Principles of Accounting
- Practical Accounting Applications
- Payroll and General Excise Tax
- Income Tax Preparation
- Using Computers in Accounting
- Speech Communications
- Concepts of Physics
- World Civilizations

- Introduction to Sociology
- Survey of Mathematics
- Business Math for Merchandising, Financing, and Investing
- College Reading Skills

Previously Enrolled University of Hawaii at Hilo Hilo, HI
Liberal Arts with an emphasis on Computer Science

- Object Oriented Programming – C++
- Software Development
- Web Technology

Previously Enrolled The Pennsylvania State University Hazleton, PA
Undergraduate Studies with an emphasis on Business

- Macroeconomics
- Microeconomics
- College Algebra
- Introduction to Psychology
- Introduction to Financial Accounting
- Rhetoric and Composition
- American National Government
- Biology of Man
- Genetic Ecology and Evolution
- Genetic Evolution of Humans
- Survey of Western Art
- Music Appreciation
- Tennis

Awards

December 2002	Hawaii Community College Dean's List	Hilo, HI
March 1986	United States Marine Corps Recruit Training Depot Meritorious Promotion to Private First Class	Parris Island, SC

Interests and Activities

Computers, Guitar playing, Gastronomy
Golf, Tennis, Swimming, Mountain Biking, Hiking
SCUBA Diving (PADI Advanced Certification), Sea Kayaking

References

William S. Smith - Programmer
VIA Studio – <http://viastudio.com>
(502) 498-8470 stofer@viastudio.com

David Whilldin - Field Systems Engineer
Infrasound Laboratory, University of Hawai'i
(808) 327-6206 whilldin@isla.hawaii.edu

Annie Brown – Information Technology Professor
Hawaii Community College
(808) 974-7429 annie@hawaii.edu

Patrick Naughton – Executive Director
Hilo Rite Care
(808) 961-4625 pnaughton@gmail.com

SSN: *****1989

Date Issued: 04-JAN-2010

Student No: 18514525

Date of Birth: 09-09-89

Record of: James R. Shoemaker

Page: 1

Po Box 10183

Hilo, HI 96721

Issued To: James Shoemaker (student) -RUSH

PO Box 10183

Hilo, HI 96721

SUBJ NO COURSE TITLE CRED GRD PTS R

Institution information continued:

Spring 1986

ENG 102	College Reading Skills	3.00 W	0.00
HD 105B	Decision Making	1.00 D	1.00
HD 105C	Enhance Yourself	1.00 D	1.00
HD 105D	World of work	1.00 D	1.00
HIST 152	World Civilization II	3.00 D	3.00

PHYS 100 Concepts of Physics 3.00 B 9.00

SOC 100 Survey of Gen Sociology 3.00 B 9.00

Ehrs: 12.00 GPA-Hrs: 12.00 QPts: 24.00 GPA: 2.00

Fall 1986

MATH 100	Survey of Mathematics	3.00 F	9.00 F
SCI 124	Intro Environmental Sci	3.00 F	9.00
SCI 124L	Intro Environ Sci Lab	1.00 F	0.00
SOC 289	Sociology of Knowledge	3.00 F	0.00

Ehrs: 9.00 GPA-Hrs: 7.00 QPts: 0.00 GPA: 0.00

Probation

Fall 1997

ENG 102	College Reading Skills	3.00 W	0.00
MATH 100	Survey of Mathematics	3.00 W	0.00
PSY 170	Psych of Adjustment	3.00 W	0.00
SPCO 151	Intro to Speech & Comm	3.00 W	0.00

Ehrs: 0.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Probation/Continued

Fall 2000

ICS 101	Micro Computer Applica	3.00 C	9.00
ITS 163	Intro Program Process	3.00 F	0.00 F

Ehrs: 4.00 GPA-Hrs: 4.00 QPts: 3.00 GPA: 2.00

Probation after Dismissal

Fall 2002

ACC 20	Fund of Accounting I	3.00 E	9.00
ACC 25	Practical Accounting Appic	3.00 A	12.00

Course Level: Undergraduate

Degree Awarded: Associate in Science 15-MAY-2006

Major: Information Technology

SUBJ NO	COURSE TITLE	CRED GRD	PTS R
---------	--------------	----------	-------

TRANSFER CREDIT ACCEPTED BY THE INSTITUTION:

Summer 1987 Pennsylvania State University

Ehrs: 6.00 GPA-Hrs: 6.00 QPts: 18.00 GPA: 3.00

Fall 1987 Pennsylvania State University

Ehrs: 3.00 GPA-Hrs: 3.00 QPts: 12.00 GPA: 4.00

Spring 1988 Pennsylvania State University

Ehrs: 6.00 GPA-Hrs: 6.00 QPts: 21.00 GPA: 3.50

Fall 1988 Pennsylvania State University

Ehrs: 0.50 GPA-Hrs: 0.50 QPts: 1.00 GPA: 2.00

Summer 1989 Pennsylvania State University

Ehrs: 3.00 GPA-Hrs: 3.00 QPts: 9.00 GPA: 3.00

Fall 1989 Pennsylvania State University

Ehrs: 0.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

INSTITUTION CREDIT

Fall 1995

ENG 102	College Reading Skills	3.00 W	0.00
HIST 281	Intro American History	3.00 W	0.00
MATH 100	Survey of Mathematics	3.00 W	0.00
OCN 201	Science of the Sea	3.00 W	0.00
SPCO 151	Intro to Speech & Comm	3.00 W	0.00

Ehrs: 0.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

REGISTRAR

University of Hawaii University of Hawaii University of Hawaii University of Hawaii University of Hawaii
 University of Hawaii University of Hawaii University of Hawaii University of Hawaii University of Hawaii
 University of Hawaii University of Hawaii University of Hawaii University of Hawaii University of Hawaii
 Student No. 10914525 Date Issued: 04-JAN-2010
 Date of Birth: 09-MAY
 Record of: James R. Shoemaker Page: 2
 High Level: Undergraduate

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R	SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
Institution Information continued:				Institution Information continued:			
BUS 559	Numeric Keypad	1.00 A	4.00	Summer 2004			
BUS 550	Business Math Concepts	1.00 A	4.00	SPCO 151	Intro to Speech & Comm	3.00 A	12.00 I
BUS 550	Bus Math of Accounting	1.00 A	4.00	Ehrs: 3.00 GPA-Hrs: 3.00 Opts: 12.00 GPA: 4.00			
OAT 218	Keyboarding I	1.00 A	4.00				
OAT 218	Keyboarding II	1.00 A	4.00				
OAT 21D	Keyboarding III	1.00 A	4.00				
Ehrs: 12.00 GPA-Hrs: 12.00 Opts: 45.00 GPA: 3.75				Fall 2004			
Dean's List				ITS 151	Applied Database Programming	4.00 A	12.00
Probation Continued				ITS 215	Network Administration	4.00 C	4.00
				Ehrs: 8.00 GPA-Hrs: 8.00 Opts: 20.00 GPA: 2.50			
Spring 2003							
ACC 24	Principals of Accounting I	4.00 B	12.00	Spring 2005			
ACC 34	Income Tax Preparation	3.00 B	9.00	ITS 221	Help Desk Support	3.00 B	9.00
ACC 50	Using Computers in Acctg	3.00 B	9.00	ITS 284	Data Comm Fundamentals	3.00 B	9.00
BUS 558	Bus Math of Merchandising	1.00 B	3.00	Ehrs: 6.00 GPA-Hrs: 6.00 Opts: 18.00 GPA: 3.00			
BUS 557	Bus Math of Financing	1.00 A	4.00				
BUS 556	Bus Math of Investing	1.00 A	4.00				
ITS 104	Intro Network & Support	4.00 B	12.00	Fall 2005			
Ehrs: 17.00 GPA-Hrs: 17.00 Opts: 53.00 GPA: 3.11				BUS 120	Principles of Business	1.00 A	12.00
				ENG 102	College Reading Skills	3.00 CR	0.00
Fall 2003				Ehrs: 6.00 GPA-Hrs: 6.00 Opts: 12.00 GPA: 4.00			
BUS 100	CCNA 1 Networking Basics	4.00 A	16.00				
ITS 103	Intro to Programming Process	4.00 B	12.00 I				
ITS 121B	Web Site Development	3.00 B	9.00	Spring 2006			
Ehrs: 11.00 GPA-Hrs: 11.00 Opts: 37.00 GPA: 3.35				ITS 193	CVE/Internship/Practicum	3.00 CR	0.00
				MATH 100	Survey of Mathematics	3.00 B	9.00 I
				Ehrs: 6.00 GPA-Hrs: 6.00 Opts: 9.00 GPA: 3.00			
Spring 2004				***** TRANSCRIPT TOTALS *****			
ACC 28	Principals of Accounting II	4.00 C	8.00	Earned Hrs GPA Hrs Points GPA			
BUS 101	CCNA 2 Routers/Routing Basics	3.00 A	12.00	TOTAL INSTITUTION			
ITS 118	Visual Basic Progmng Bus Apps	4.00 A	16.00	37.00 39.00 277.00 2.82			
OAT 435	Exemplary Preparation	1.00 B	3.00	TOTAL TRANSFER			
Ehrs: 12.00 GPA-Hrs: 12.00 Opts: 39.00 GPA: 3.25				18.50 18.50 51.00 3.29			
				***** END OF TRANSCRIPT *****			

***** CONTINUED ON NEXT COLUMN *****

REGISTRAR



UNIVERSITY
of HAWAII®
MĀNOA

February 4, 2011

Mr. James Shoemaker
P.O. Box 10183
Hilo, HI 96721

Dear Mr. Shoemaker,

Thank you for applying for the Information Technology (Educational Technology Specialist), Position 0078233, with the John A. Burns School of Medicine. This is to inform you that, after careful consideration, we have selected the best qualified applicant for this position.

Thank you for your time and interest in the School of Medicine. We wish you the best in your future endeavors.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Damon H. Sakai".

Damon H. Sakai, M.D.
Director

Applicant #4

Craig Spurrier

1546

6, 7-9, 11-14, 17, 20, 22-31

Craig T. Spurrier
 1561 Kanunu Street, #403
 Honolulu, Hawaii 96814
 803-979-7051

33-39, 41-65
 67-74

Dear Search Committee,

I am applying for the position of Educational Technology Specialist. I have the education, the experience, the talent, and the strong desire to work in this position. My diverse background in education, computer technology, research, as well as life experiences makes me uniquely qualified for the position.

My educational experience has been diverse. I have received a MA in Anthropology from the University of South Carolina in Columbia. Anthropology provides me with the framework for working with the diverse cultures that UH encompasses. I received my BA from the University of South Carolina in Aiken in Sociology. At USCA, I conducted research looking at social control in online groups.

I have a strong passion for technology and the people it impacts. I have worked as a consultant for many companies and organizations in a number of sectors including education. I have extensive experience with a wide variety of computer systems and programming languages. I have been responsible for the installation and maintenance of Windows Server 2003, Windows Server 2008, Windows Small Business Server, Solaris, Debian, Ubuntu, Red Hat and Gentoo web, file and print servers, running a variety of server software, including Apache, Lighttpd, Tomcat, Samba, NFS, MySQL, PostgreSQL, Postfix, and Sendmail. I have experience developing for and maintaining MySQL, Microsoft SQL Server and PostgreSQL servers, as well as smaller Microsoft Access based systems.

I have extensive programming experience in PHP, Perl, Python, C, Javascript and Unix and Windows Shell Scripting. I developed a number of web sites and web applications utilizing HTML, XHTML, XML, CSS, AJAX and SOAP. I have worked extensively with Drupal, Joomla and MediaWiki based sites, as well as custom developed content management systems. I have developed and supported a wide variety of web applications including voter canvassing software, court case management software, point of sale systems, web stores, content management systems, server management software and billing systems. I have also developed for a variety of platforms including mobile phones, pdas, thin clients and set-top boxes. I have contributed to a number of open source projects including MediaWiki. I am also the primary developer for ASVCS, an open source web based version control system. It currently has several thousand users including several open sources projects and Texas A&M.

I have supported workstations for a number of organizations. I have experience supporting workstations running Windows 3.11 through Windows 7, Mac OS 8 through Mac OS X, as well as a variety of desktop Linux distributions. I have also been responsible for hardware and peripherals maintenance and repair, including deploying wired and wireless networks for several schools and businesses. I am skilled in and have experience supporting many common desktop applications including Microsoft Office, OpenOffice, Adobe Dreamweaver, Adobe PhotoShop and Adobe Illustrator.

I am very comfortable sharing information in a one-on-one setting, as well as presenting to large groups. During my two years at the University of South Carolina, I taught several sections of Anthropology, with classes of up to 30 students. I received outstanding reviews from my students and supervising professors. I have also presented various research projects at conferences in Taiwan, Egypt and Argentina. These experiences as well as presenting at professional Sociology and Anthropology conferences in the Southeast, have enhanced my presentation and organizational style. It has also made me more aware of how to present with a world view to diverse groups.

I would like the chance to discuss my qualifications with you in more detail. While I am currently in South Carolina, I will be returning home to Hawaii shortly. . Please feel free to contact me at anytime either by email at craig@hawaiihosting.com or by phone at 803-979-7051.

Thank you for your consideration.

-Craig Spurrier



**UNIVERSITY OF HAWAII
EMPLOYMENT APPLICATION FORM
Administrative, Professional and Technical Positions**

SEP - 7 2010

This form is used to provide information about you relative to the position(s) for which you are applying. This completed form and a **comprehensive resume**, must both be submitted in accordance with the filing requirements specified in the advertisement. (See Suggested Resume Format - PDF Format).

Position Title: Information Technology (Educational Technology Specialist)				Position No.: 0078233	
Name: Last Spurrier		First Craig		Middle Initial T	
Home Address: Street 1561 Kanunu St #403		Apt. #		City Honolulu	
				State Hi	
				Zip Code 96814	
Home Telephone: 803-979-7051			Business Telephone:		
Email Address: craig@hawaiihosting.com					
If selected, all individuals must present documentary evidence to verify their eligibility to work, pursuant to the Immigration Reform and Control Act of 1986.					
Employment Status: Complete the following if you are presently or formerly employed by the University of Hawaii'i:					
Department:		Official Position Title:		Campus Phone No.:	
College:					
Present or Last Appointment Period (if applicable):			FTE:	BU:	
Check one of the following boxes if you are exercising employment rights in accordance with Article 10, BU 8 collective bargaining agreement (eligibility subject to verification by the hiring unit):					
<input type="checkbox"/> I am being/have been relieved or terminated because of a lack of work or other legitimate reasons and have reemployment rights as outlined in Article 9, Employment Security.					
<input type="checkbox"/> I am currently in the bargaining unit.					
Non-Discrimination and Affirmative Action Information: The University of Hawaii'i is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, sexual orientation, status as a protected veteran, National Guard participation, breastfeeding, and arrest/court record (except as permissible under State law).					
CLERY ACT: In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, annual campus crime statistics for the University of Hawaii'i may be viewed at: http://ope.ed.gov/security/ , or a paper copy may be obtained upon request from the respective UH Campus Security or Administrative Services Office.					

I hereby certify that all statements in this application are true and correct to the best of my knowledge, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights to any employment with the University of Hawaii'i. I also understand that, if selected, I must present documentary evidence to verify my employment eligibility, pursuant to the Immigration Reform and Control Act of 1986. For electronic submissions, original signatures required prior to interview.

Signature

2 Sept 2010
Date

NOTE: Attach/Submit a **comprehensive resume** and include: 1) your name, current address, phone number(s); 2) **work history** - provide sufficient detailed information with which to determine your qualifications for the position for which you are applying, list all employment in last 10 years beginning with most recent employment and other pertinent employment beyond 10 years; 3) **education** - chronologically list all higher education institutions attended beyond Grade 12, including name, address, major field of study degree/diploma/certificate & date received; 4) **relevant experience** - chronologically list pertinent military, professional, trade, technical, etc., courses you have completed, including institution name, address, subject area, certificate & date received; 5) **publications/research/other professional activities (if applicable to position)** - include co-authors, title of journal/publication & date, if book, publication date & publisher; 6) **knowledge of language other than English, if required for position** - identify language and include ability to read, write, converse; and 7) **pertinent professional memberships and awards** - list, as appropriate, membership in professional or scientific societies, honors, awards, fellowships, etc; 8) **references** - provide complete contact information, as required by position advertisement. See Suggested Resume Format - PDF format.

An Equal Opportunity/Affirmative Action Institution

Craig Spurrier
1561 Kanunu Street, #403
Honolulu, Hawaii 96814
(803)979-7051
craig@hawaiihosting.com

Education

MA in Cultural Anthropology, University of South Carolina, 2010
BA in Sociology, Magna Cum Laude, University of South Carolina at Aiken, 2008

Work experience

BlueFishPond/HawaiiHosting
P.O Box 155
Hawi, HI 96719
803-443-0018

January 2007 – Present

Partner: I am in charge of customer support and server administration

University of South Carolina
Department of Anthropology, Hamilton College
Columbia, SC 29208
803-777-5927

August 2008 – May 2010

Teaching Assistant: I was responsible for planning, grading and teaching three weekly class meetings.

2nd Circuit Solicitor Office
109 Park Avenue SE
Aiken, SC 29801
803-642-1557

July 2007 – September 2007

Software Developer: I was responsible for developing a web based case management system through which prosecutors and victim advocates could see and manage all information related to a criminal case.

2nd Circuit Solicitor Office, Victim-Witness Assistance Program
109 Park Avenue SE
Aiken, SC 29801
803-642-1557

May 2007 – July 2007

Intern: I was responsible for providing tech support, maintaining files and assisting Victim Advocates with their duties.

Voter Contact Services
P.O. Box 390817
Mtn. View, CA 94039
808-884-5557

December 2005 – April 2008

References

Julia Rooney
Voter Contact Services
Supervisor
Email: julia@whalespout.com
Phone: (808) 884-5557

Dr. David Simmons
TA Supervisor
University of South Carolina
Email: dsimmons@mailbox.sc.edu
Phone: 803-777-2321

Dr. Ann Kingsolver
Graduate Thesis Supervisor
University of South Carolina
Email: aekingso@mailbox.sc.edu
Phone: 803-777-5927

Dr. Trudy Henson
University of South Carolina - Aiken
Undergraduate Research Supervisor
Email: trudyh@usca.edu
Phone: 803-641-3475

UNIVERSITY OF SOUTH CAROLINA

OFFICE OF THE UNIVERSITY REGISTRAR • COLUMBIA, SC 29208-0001

STUDENT NAME:

CRAIG TIMOTHY SPURRIER

STUDENT NUMBER: BIRTH DATE:

USC-00-7786 11/13

FAX (803) 777-6349

PAGE 2

FIGE: 3448
CEEB: 5818
ACT: 3880



ACADEMIC TRANSCRIPT

This transcript is printed on special security paper with a gamet background, the seal of the University of South Carolina at Columbia and the signature of the University Registrar, Barbara Rogers Blaney. This is an official sealed instrument; a raised seal is not required. The student is in good academic standing unless otherwise noted.

Barbara Rogers Blaney
University Registrar

CONTROL NO: 945256 DATE ISSUED: 05/19/2010

BEGINNING OF GRADUATE RECORD

DEGREE(S) AWARDED:

SPRING 2010 05/08/2010

DEGREE: MASTER OF ARTS

SCHOOL: COLLEGE OF ARTS AND SCIENCES

MAJOR: ANTHROPOLOGY

LOCATION: USC COLUMBIA

MASTER THESIS:

CASSAVA, COCONUT AND CURRY: FOOD AND NATIONAL IDENTITY IN POST-COLONIAL FLJI

DIRECTOR OF THESIS: ANN E. KINGSOLVER, PHD

GRADUATE QUALIFYING INFORMATION:

FIRST MASTERS:

ADMITTED TO PROGRAM: 02/26/2008

COMPREHENSIVE EXAM: 11/06/2009

THESIS DEFENSE: 04/06/2010

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
--------------	------	------	-----	----	----	----	----	-----

FALL 2008 ARTS & SCIENCES-GRAD

SESSION DATES 08/21/2008 - 12/05/2008

CULT&IDENT/AFRI DIASPORA ANTH 580 A 3.0 3.0G

ANTHROPOLOGICAL INQUIRY ANTH 703 A 3.0 3.0G

TOPICS/LANGUAGE IDEOLOGY ANTH 791L A 3.0 3.0G

SEMIESTER TOTALS: 9.0 9.0 9.0 36.00 4.000

SPRING 2009 ARTS & SCIENCES-GRAD

SESSION DATES 01/12/2009 - 04/27/2009

GLOBALIZTNACULTRL QUESTN ANTH 581 A 3.0 3.0G

ANTHROPOLOGICAL CONNECT ANTH 704 A 3.0 3.0G

ETHICS AND ANTHROPOLOGY ANTH 711 A 1.0 1.0G

FIELD PROB IN ETHNOLOGY ANTH 719 B+ 3.0 3.0G

SEMIESTER TOTALS: 10.0 10.0 10.0 38.50 3.850

FALL 2009 ARTS & SCIENCES-GRAD

SESSION DATES 08/20/2009 - 12/04/2009

TECHN PRACTICUM/ANTH ANTH 714 S 1.0 1.0G

CINEMA & ARCHAEOLOGY ANTH 777 A 1.0 1.0G

MASTERS THESIS ANTH 799 T 6.0 6.0G

SEMIESTER TOTALS: 8.0 8.0 1.0 4.00 4.000

PASS/FAIL

*** ISSUED TO STUDENT IN A SEALED ENVELOPE ***

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
--------------	------	------	-----	----	----	----	----	-----

SPRING 2010 ARTS & SCIENCES-GRAD

SESSION DATES 01/11/2010 - 04/26/2010

NUTRITIONAL ANTHROPOLOGY ANTH 568 A 3.0 3.0G

MASTERS THESIS ANTH 799 T 1.0 1.0G

NEW TECH & MASS MEDIA JOUR 740 B+ 3.0 3.0G

SEMIESTER TOTALS: 7.0 7.0 6.0 22.50 3.750

GRADUATE TOTALS: 34.00 34.00 26.00 101.00 3.895

CUMULATIVE U.S.C.

*** END OF GRADUATE RECORD ***

*** SEE UNDERGRADUATE RECORD ***

*** END OF TRANSCRIPT ***

UNIVERSITY OF SOUTH CAROLINA

OFFICE OF THE UNIVERSITY REGISTRAR • COLUMBIA, SC 29208-0001

FICE: 3448
CEEB: 5818
ACT: 3880

FAX (803) 777-6349

CRAIG TIMOTHY SPURRIER

STUDENT NUMBER: BIRTH DATE: 11/13

USC-00-7786

PAGE 1

BEGINNING OF UNDERGRADUATE RECORD

DEGREE(S) AWARDED:

SPRING 2008
DEGREE: BACHELOR OF ARTS
SCHOOL: AIKEN CAMPUS
MAJOR: SOCIOLOGY
EMPHASIS: CRIMINOLOGY AND CRIMINAL JUSTICE
HONORS: MAGNA CUM LAUDE
LOCATION: UNIVERSITY OF SOUTH CAROLINA AIKEN

TRANSFER CREDIT ACCEPTED:
AIKEN TECHNICAL COLL AIKEN

CREDIT COUNTED TOWARD THE USC DEGREE IS DETERMINED BY
STUDENT'S MAJOR PROGRAM OF STUDY.
SC 29802 08/2003-05/2006 50.00 HOURS

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
FALL 2006 AIKEN								
SESSION DATES 08/24/2006 - 12/08/2006								
ANTHA MAGIC AND RELIGION	AANP	A352	A	3.0	3.0	3.0	12.00	
COMPOSITION AND LIT	AEGL	A102	B+	3.0	3.0	3.0	10.50	
BEGINNING GERMAN	AGER	A101	B	4.0	4.0	4.0	12.00	
RELIGIOUS SYMBOLISM	AREL	A390K	A	3.0	3.0	3.0	12.00	
INTRODUCTORY SOCIOLOGY	ASCY	A101	B+	3.0	3.0	3.0	10.50	
SEMESTER TOTALS:				16.0	16.0	16.0	57.00	3.563
DEAN'S HONOR LIST								

SPRING 2007 AIKEN

SESSION DATES 01/16/2007 - 06/30/2007									
INTERPERS COMMUNICATION	ACOM	A201	B+	3.0	3.0	3.0	10.50		
CONTINUING GERMAN	AGER	A102	B	4.0	4.0	4.0	12.00		
MINORITY GROUP RELATIONS	ASCY	A355	A	3.0	3.0	3.0	12.00		
POLICE IN SOCIETY	ASCY	A359	A	3.0	3.0	3.0	12.00		
SOCY OF SOCIAL CONTROL	ASCY	A507	B+	3.0	3.0	3.0	10.50		
SEMESTER TOTALS:				16.0	16.0	16.0	57.00	3.563	
DEAN'S HONOR LIST									

SUMMER 1 2007 AIKEN

SESSION DATES 06/04/2007 - 07/03/2007								
ETHICS	APHL	A311	A	3.0	3.0	3.0	12.00	
SEMESTER TOTALS:					3.0	3.0	12.00	4.000

ACADEMIC TRANSCRIPT

This transcript is printed on special security paper with a gamet background, the seal of the University of South Carolina at Columbia, and the signature of the University Registrar, Barbara Rogers Blaney. This is an official sealed instrument, a raised seal is not required. The student is in good academic standing unless otherwise noted.



Barbara Rogers Blaney
University Registrar

CONTROL NO: 945256 DATE ISSUED: 05/19/2010

*** ISSUED TO STUDENT IN A SEALED ENVELOPE ***

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
FALL 2007 AIKEN								
SESSION DATES 08/23/2007 - 12/07/2007								
PEOPLE OF INDIAN SUBCONT	AANP	A315	A	3.0	3.0	3.0	12.00	
INTRO TO PHILOSOPHY	APHL	A102	A	3.0	3.0	3.0	12.00	
QUAN ANAL IN THE BEH SCI	APSY	A225	A	3.0	3.0	3.0	12.00	
INDIVIDUAL AND SOCIETY	ASCY	A320	A	3.0	3.0	3.0	12.00	
INTERNSHIP	ASCY	A400	A	3.0	3.0	3.0	12.00	
SOCIOLOGY OF DEVIANCE	ASCY	A523	A	3.0	3.0	3.0	12.00	
SEMESTER TOTALS:				18.0	18.0	18.0	72.00	4.000
PRESIDENT'S HONOR LIST								

ASCY A400 - INTERNSHIP IN VICTIM-WITNESS SERVICES

SPRING 2008										AIKEN									
SESSION DATES 01/14/2008 - 04/28/2008																			
UNDERSTAND OTHER CULTURE										AANP A102 A 3.0 3.0 3.0 12.00									
SOCIAL DEMOGRAPHY										ASCY A310 A 4.0 4.0 4.0 16.00									
SOCIAL DELINQ YOUTH BEH										ASCY A350 A 3.0 3.0 3.0 12.00									
INDEPENDENT STUDY										ASCY A399 A 3.0 3.0 3.0 12.00									
SOCIOLOGCL RESRCH METHOD										ASCY A497 A 4.0 4.0 4.0 16.00									
SEMESTER TOTALS:										17.0 17.0 68.00 4.0000									
PRESIDENT'S HONOR LIST																			

ASCY A399: BOUNDARY CREATION & MAINTENANCE IN VIRTUAL ORGANIZATION

UNDERGRADUATE TOTALS								
				HC	HE	GH	GP	GPA
				70.00	70.00	70.00	266.00	3.800
CUMULATIVE U.S.C.								

*** END OF UNDERGRADUATE RECORD ***

*** SEE GRADUATE RECORD ***

AIKEN TECHNICAL COLLEGE
ADMISSIONS AND RECORDS OFFICE
 P.O. DRAWER 696, AIKEN, SC 29802
 PHONE: (803)593-9231 FAX: (803)593-6526
 FICE: 010056; CEEB: 5037; ACT: 3824

STUDENT NAME: MR. CRAIG T. SPURRIER
 STUDENT ID: 220-23-7786
 DATE: AUG 23, 2010

COURSE	TITLE	GRD	R	ATT	HRS	END	GRADE	POINTS	COURSE	TITLE	GRD	R	ATT	HRS	END	GRADE	POINTS
BIO 101	Biological Science B	4.00	4.00	12.00000	08/18/03	12/09/03											
BIO 161	Intro to Digital R A	3.00	3.00	12.00000	08/18/03	12/09/03											
	Term 2003FA Totals:	7.00	7.00	24.00000	GPA = 3.4886												
	Cumulative Totals:	7.00	7.00	24.00000	GPA = 3.4886												
ART 105	Film As Art	3.00	3.00	12.00000	01/07/04	04/28/04											
HIS 102	Western Civ. Post A	3.00	3.00	12.00000	01/07/04	04/28/04											
	Term 2004SP Totals:	6.00	6.00	24.00000	GPA = 4.0000												
	Cumulative Totals:	13.00	13.00	48.00000	GPA = 3.4923												
HIS 101	Western Civilization A	3.00	3.00	12.00000	08/23/04	12/14/04											
HIS 201	Amer. Hist. Discov A	3.00	3.00	12.00000	08/23/04	12/14/04											
MAT 110	College Algebra W	3.00	3.00	12.00000	08/23/04	12/14/04											
PSY 201	General Psychology A	3.00	3.00	12.00000	08/23/04	12/14/04											
	Term 2004FA Totals:	12.00	12.00	36.00000	GPA = 4.0000												
	Cumulative Totals:	25.00	25.00	84.00000	GPA = 3.8182												
REL 103	Comparative Relig A	3.00	3.00	12.00000	01/12/05	04/26/05											
PSC 201	American Government A	3.00	3.00	12.00000	01/12/05	04/26/05											
	Term 2005SP Totals:	6.00	6.00	24.00000	GPA = 4.0000												
	Cumulative Totals:	31.00	31.00	108.00000	GPA = 3.8571												
CRJ 101	Intro to Criminal A	3.00	3.00	12.00000	08/22/05	12/05/05											
ECO 210	Macroeconomics A	3.00	3.00	12.00000	08/22/05	12/05/05											
CHM 110	College Chemistry A	3.00	3.00	12.00000	08/22/05	12/05/05											
MAT 110	College Algebra B	3.00	3.00	12.00000	08/22/05	12/05/05											
	Term 2005FA Totals:	13.00	13.00	48.00000	GPA = 3.7692												
	Cumulative Totals:	44.00	44.00	156.00000	GPA = 3.8933												
ENG 101	English Compositio A	3.00	3.00	12.00000	01/09/06	04/24/06											
CRJ 115	Criminal Law 1 A	3.00	3.00	12.00000	01/09/06	04/24/06											
CRJ 125	Criminal Justice A	3.00	3.00	12.00000	01/09/06	04/24/06											
MAT 111	College Trigonomet B	3.00	3.00	12.00000	01/09/06	04/24/06											
	Term 2006SP Totals:	12.00	12.00	45.00000	GPA = 3.7500												
	Cumulative Totals:	56.00	56.00	202.00000	GPA = 3.8113												
	TOTALS: CRED ATT =	56.00	56.00	CRED CPT =	53.00	GRADE PTS =	202.0000	GPA =	3.8113								

Dawn W Butts
 Dawn W Butts
 Registrar

In accordance with the Family Educational Rights and Privacy Act of 1974, as amended, transcripts may not be released to a third party without the written consent of the student.

TEST FOR AUTHENTICITY: This transcript is printed on The College name and logo appear at the top left and the A raised seal is not required. When photocopied, the words of the entire document. The words AIKEN TECHNICAL College Further authentication may be obtained by contacting the AIKEN TECHNICAL College.

ALTERATION OR FORGERY OF THIS DOCUMENT



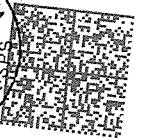
University of Hawaii at Manoa
Office of International & Exchange Programs
Faculty & Scholar Immigration Services
2565 McCully Hall, PSB 102-105
Honolulu, HI 96822



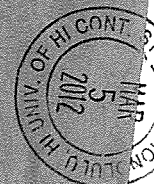
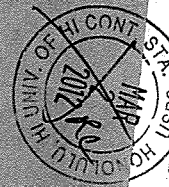
2002 2030 0000 2697 4868

AUDIT REVIEW TEAM
ATLANTA NATIONAL PROCESSING CENTER
HARRIS TOWER
233 PEACHTREE STREET, STE. 410
ATLANTA, GA 30303

FIRST CLASS



U.S. POSTAGE® PINEY BOWES
ZIP 96822 \$ 005.850
02 IN
000137197 MAR 05 2012



U.S. Department of Labor

Employment and Training Administration

Office of Foreign Labor Certification
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



February 28, 2012

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105 Honolulu,
HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Occupation: Computer Software Engineers,
Applications, Non R&D,
15-1034.00
Date of Acceptance for
Processing: January 13, 2011

In Response, refer to: Audit Review Team
Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

Dear UNIVERSITY OF HAWAII

The Application for Permanent Labor Certification (ETA Form 9089) submitted to the United States Department of Labor on January 13, 2011 was selected for audit on January 18, 2011. In an effort to continue the adjudication of your case, the Atlanta National Processing Center will need to obtain the following information:

- A statement signed by the employer indicating whether you would like to proceed with the processing of this application. Should your statement indicate a desire to not continue the processing of this application, the Atlanta National Processing Center will deem the application withdrawn and no further action will be taken.

OR

- Should you choose to continue with the processing of this case, *please provide the information requested in the attachment to this letter.*

The required documentation must be submitted by March 29, 2012. If the required documentation has not been electronically emailed or mailed and post marked by the date specified to the address listed above:

- The application will be denied
- The failure to provide the requested documentation in a timely manner will constitute refusal to exhaust available administrative remedies; and
- The administrative judicial review procedure provided in 20 CFR § 656.26 will not be available

NOTE: *In accordance with the Department's regulations at 20 CFR § 656.20(b), a substantial failure by the employer to provide the required audit documentation will result in the application being denied under § 656.24, and may result in a determination by the Certifying Officer to require the employer to conduct supervised recruitment under § 656.21 in future filings of labor certification applications for up to 2 years. Moreover, a pattern or practice of failing to comply in the audit process, which includes but is not limited to, a failure to provide required documentation, in accordance with the Department's regulations at 20 CFR § 656.20, is a ground for debarment of an employer, attorney, agent, or any combination thereof from the permanent labor certification program for a period of up to three years under § 656.31(f)(iv).*

Sincerely,

William Carlson, Ph.D.
National Certifying Officer

Enclosure(s): Requested Information

Knowingly furnishing false information in the preparation of this form (ETA Form 9089) or any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both (18 U.S.C.2, 1001).

Requested Information

Additional Audit Request:

Provide a copy of the complete, original response as submitted on February 16, 2011. Copies may be used if original documents (tear sheets, PWD, etc.) were sent with the prior submission.

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

The employer's response to audit received by the Department of Labor's Office of Foreign Labor Certification on 02/16/2011 is not available for inclusion in the administrative file. If the employer's response to audit received by the Department of Labor's Office of Foreign Labor Certification on 02/16/2011 becomes available, a supplement to the administrative file will be immediately provided to the Board of Alien Labor Certification Appeals (BALCA); the employer/employer's authorized representative (as appropriate); and the Employment and Training Legal Services (ETLS).

It is noted the employer's response to audit received by the Department of Labor's Office of Foreign Labor Certification on 02/16/2011 is not necessary to render an accurate determination on the employer's request for reconsideration as outlined in the Transmittal Letter.

U.S. Department of Labor

Employment and Training Administration

Atlanta National Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303



AUDIT NOTIFICATION

January 18, 2011

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105 Honolulu,
HI 96822

ETA Case Number: A-10344-38244
Alien's Name: YA-WEN HSIAO
Computer Software Engineers,
Applications, Non R&D,
Occupation: 15-1034.00
Date of Acceptance for
Processing: January 13, 2011

In Response, refer
to:

Audit Team
Atlanta Processing Center
Harris Tower
233 Peachtree Street, Suite 410
Atlanta, GA 30303

Dear UNIVERSITY OF HAWAII

The Application for Permanent Employment Certification (ETA Form 9089) submitted to the U.S. Department of Labor on January 13, 2011 has been selected for audit. In accordance with § 656.20, please submit the following information to the address specified above:

- The documentation listed on the following attachment supporting the attestations made on the application.
- A copy of this Audit Notification.
- A copy of the submitted ETA Form 9089, **with original signatures** in Section L (Alien Declaration), Section M (Declaration of Preparer (if applicable)), and Section N (Employer Declaration).
- Proof of business necessity as outlined by § 656.17(h) if the answer for question H-12 is no, the answer for questions H-13, H-15, or H-17 are yes, or the job duties and/or requirements are beyond those defined for the job by the SOC/O*Net code and Occupation Title provided by the National Prevailing Wage Center.
- Documentation required for live-in household domestic service workers as outlined by §656.19(b) if the answer to question H-18 is yes.
- Notice of filing documentation as outlined in 656.10(d).
 - Documentation submitted in response to this audit notification must include proof that the employer's notice of filing was posted for ten (10) consecutive business days and was accessible to all employees. If one or more of the 10 business days is a Saturday, Sunday, and/or a holiday, the employer must submit documentation to demonstrate that it was open for business on the Saturday, Sunday, and/or holiday in question and, again, demonstrate that employees had access to the posting location of the notice of filing.
- Recruitment Documentation
 - § 656.17 Basic Process:
 - The recruitment report for this position as described in § 656.17(g)(1) signed by the employer or the employer's representative describing the recruitment steps undertaken and the results achieved, the number of hires, and, if applicable, the number of U.S. workers rejected, summarized by the lawful job-related reasons for such rejections. Be advised, the Certifying

Officer, after reviewing the employer's recruitment report, may request U.S. workers' resumes or applications, sorted by the reasons the workers were rejected.

- o A copy of the Prevailing Wage Determination received from the National Prevailing Wage Center (NPWC) and if not included in the Prevailing Wage Determination, a copy of the request for the determination as originally submitted to the NPWC.
- o A copy of the job order placed with the SWA serving the area of intended employment downloaded from the SWA Internet job listing site, a copy of the job order provided by the SWA, or other proof of publication from the SWA containing the content of the job order, where a job order is required by the recruitment provisions of 20 CFR 656 and/or a job order is listed on the ETA Form 9089 as a recruitment source.
- o Documentation as outlined in 656.17(e).

OR

- § 656.18 College and University Teachers Special Recruitment:
 - o A statement signed by an official with actual hiring authority outlining in detail the complete recruitment procedures undertaken; and which set forth the total number of applicants for the job opportunity and the specific lawful job-related reasons why the foreign worker is more qualified than each U.S. worker who applied for the job.
 - o A final report of the faculty, student, and/or administrative body making the recommendation or selection of the foreign worker.
 - o A copy of the advertisement for the job opportunity and, if appropriate, evidence of all other recruitment sources.
 - o A written statement attesting to the degree of the foreign worker's educational or professional qualifications and academic achievements.
 - o A copy of the Prevailing Wage Determination received from the National Prevailing Wage Center (NPWC) and if not included in the Prevailing Wage Determination, a copy of the request for the determination as originally submitted to the NPWC.

The required documentation must be submitted by February 17, 2011. If the required documentation has not been mailed and postmarked by the date specified to the address listed above:

- The application will be denied;
- The failure to provide the requested documentation in a timely manner will constitute a refusal to exhaust available administrative remedies; and
- The administrative judicial review procedure provided in § 656.26 will not be available.

If the Certifying Officer determines the employer substantially failed to produce required documentation, i.e., the documentation was not provided or was inadequate:

- The application will be denied; and
- The employer may be required to conduct supervised recruitments pursuant to § 656.21 in future filings of labor certification applications for up to two years from the date of the Final Determination.

Once analysis of the documentation is complete under the standards in § 656.24, the employer will be notified in writing (either electronically and/or mail) of the labor certification determination. In the event the application is denied, the determination can be appealed by filing either a request for reconsideration or a request for review within 30 days of receipt of the notification of the labor certification determination as outlined in 20CFR § 656.24(g) and 656.26.

Sincerely,

Atlanta NPC
Certifying Officer

CC: UNIVERSITY OF HAWAII

Important note: Pursuant to 20 CFR 656.20(b), a substantial failure by the employer to provide the

required audit documentation will result in the application being denied under 20 CFR 656.24, and may result in a determination by the Certifying Officer to require the employer to conduct supervised recruitment under 20 CFR 656.21 in future filings of labor certification applications for up to 2 years. Moreover, a pattern or practice of failing to comply in the audit process, which includes but is not limited to, a failure to provide required documentation, pursuant to 20 CFR 656.20, is a ground for debarment of an employer, attorney, agent, or any combination thereof from the permanent labor certification program for a period of up to three years under 20 CFR 656.31(f)(iv).

Attachment: Required Documentation for Response to Notification of Audit

Case # A-10344-38244:

In addition to the information requested in the body of the letter, please provide the following:

Audit Reason:

The U.S. Department of Labor is unable to determine if potentially qualified U.S. workers who applied for the job opportunity were rejected for lawful, job-related reasons. The Code of Federal Regulations (CFR) at 20 CFR 656.24(b)(2)(i) requires the Certifying Officer to make a determination to grant or deny the labor certification based on whether there are able, willing, qualified, and available U.S. workers to perform the job opportunity. The employer must consider a U.S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupation as customarily performed by other U.S. workers similarly employed. Per 20 CFR 656.17(g)(2), a U.S. worker is able and qualified for the job opportunity if the worker can acquire the skills necessary to perform the duties involved in the occupation during a reasonable period of on-the-job training. It is not a lawful job-related reason to reject a U.S. worker for lacking the skills necessary to perform the duties involved in the occupation, where the U.S. workers are capable of acquiring the skills during a reasonable period of on-the-job training.

Audit Request:

Please provide the resumes and applications for all U.S. workers who applied for the employer's job opportunity listed on the ETA Form 9089. In addition, please provide a report that lists the following information for each U.S. worker rejected for the job opportunity: the date(s) the employer contacted the U.S. worker; the date(s) the employer interviewed the U.S. worker; if appropriate, the reason(s) the employer did not interview the employee; the specific lawful job related reason(s) the U.S. worker was rejected; and how the U.S. worker was informed he or she did not qualify for the job opportunity. Also include information that documents the employer contacted the applicant(s) by phone (telephone logs), e-mail (dated copy of electronic transmission) and/or by mail (copy of letter sent to applicant(s) along with a copy of certified mail/"signed" green return receipt card).

Knowingly furnishing false information in the preparation of this form (ETA 9089) and any subsequent thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both (18 U.S.C. 2, 1001)

UNIVERSITY OF HAWAII
c/o Signe Nakayama
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 105
Honolulu, HI 96822

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor

Please read and review the filing instructions before completing this form. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/pdf/9089inst.pdf>

Employing or continuing to employ an alien unauthorized to work in the United States is illegal and may subject the employer to criminal prosecution, civil money penalties, or both.

A. Refiling Instructions

1. Are you seeking to utilize the filing date from a previously submitted Application for Alien Employment Certification (ETA 750)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1-A. If Yes, enter the previous filing date		
1-B. Indicate the previous SWA or local office case number OR if not available, specify state where case was originally filed:		

B. Schedule A or Shepherdher Information

1. Is this application in support of a Schedule A or Shepherdher Occupation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If Yes, do NOT send this application to the Department of Labor. All applications in support of Schedule A or Shepherdher Occupations must be sent directly to the appropriate Department of Homeland Security office.		

C. Employer Information (Headquarters or Main Office)

1. Employer's name UNIVERSITY OF HAWAII			
2. Address 1 FACULTY & SCHOLAR IMMIGRATION SERVICES			
Address 2 2565 MCCARTHY MALL, PSB 102-106			
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96822
4. Phone number (808) 956-0935		Extension	
5. Number of employees 8900		6. Year commenced business 1907	
7. FEIN(Federal Employer Identification Number) 996000354		8. NAICS Code 611310	
9. Is the employer a closely held corporation, partnership, or sole proprietorship in which the alien has an ownership interest, or is there a familial relationship between the owners, stockholders, partners, corporate officers, incorporators, and the alien?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

D. Employer Contact Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Contact's last name Nakayama	First name Signe	Middle initial
2. Address 1 Faculty & Scholar Immigration Services		
Address 2 2565 McCarthy Mall, PSB 105		
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA
4. Phone number (808) 956-0935	Extension	
5. E-mail address signen@hawaii.edu		

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**E. Agent or Attorney Information (If applicable)**

1. Agent or attorney's last name	First name	Middle initial
2. Firm name		
3. Firm EIN	4. Phone number	Extension
5. Address 1		
Address 2		
6. City	State/Province	Country
Postal code		
7. E-mail address		

F. Prevailing Wage Information (as provided by the State Workforce Agency)

1. Prevailing wage tracking number (if applicable) P10010244371217	2. SOC/O*NET(OES) code 15-1034.00
3. Occupation Title Computer Software Engineers, Applications, Non	4. Skill Level
5. Prevailing wage Per: (Choose only one) \$ 44,208.00 <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year	
6. Prevailing wage source (Choose only one) <input type="checkbox"/> OES <input checked="" type="checkbox"/> CBA <input type="checkbox"/> Employer Conducted Survey <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
6-A. If Other is indicated in question 6, specify:	
7. Determination date 09/30/2010	8. Expiration date 07/01/2011

G. Wage Offer Information

1. Offered wage From: \$ 57,194.00 To: (Optional) \$	Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
---	--

H. Job Opportunity Information (Where work will be performed)

1. Primary worksite (where work is to be performed) address 1 University of Hawaii at Manoa		
Address 2 John A. Burns School of Medicine, 651 Ilalo Street		
2. City Honolulu	State HI	Postal code 96813
3. Job title Information Technology Specialist (Educational Technology Specialist)		
4. Education: minimum level required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input checked="" type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		
4-A. If Other is indicated in question 4, specify the education required:		
4-B. Major field of study Management Information Systems		
5. Is training required in the job opportunity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		5-A. If Yes, number of months of training required:

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



H. Job Opportunity Information Continued

5-B. Indicate the field of training:	
6. Is experience in the job offered required for the job? 6-A. If Yes, number of months experience required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Is there an alternate field of study that is acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7-A. If Yes, specify the major field of study: Information Systems, Computer Sci, Project Mgmt, Electrical Engineering, s	
8. Is there an alternate combination of education and experience that is acceptable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8-A. If Yes, specify the alternate level of education required: <input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other	
8-B. If Other is indicated in question 8-A, indicate the alternate level of education required:	
8-C. If applicable, indicate the number of years experience acceptable in question 8:	
9. Is a foreign educational equivalent acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Is experience in an alternate occupation acceptable? 10-A. If Yes, number of months experience in alternate occupation required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10-B. Identify the job title of the acceptable alternate occupation:	
11. Job duties – If submitting by mail, add attachment if necessary. Job duties description must begin in this space. See Attachment	
12. Are the job opportunity's requirements normal for the occupation? If the answer to this question is No, the employer must be prepared to provide documentation demonstrating that the job requirements are supported by business necessity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Is knowledge of a foreign language required to perform the job duties? If the answer to this question is Yes, the employer must be prepared to provide documentation demonstrating that the language requirements are supported by business necessity.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Specific skills or other requirements – If submitting by mail, add attachment if necessary. Skills description must begin in this space. See Attachment	

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**H. Job Opportunity Information Continued**

15. Does this application involve a job opportunity that includes a combination of occupations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
16. Is the position identified in this application being offered to the alien identified in Section J?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
17. Does the job require the alien to live on the employer's premises?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Is the application for a live-in household domestic service worker?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18-A. If Yes, have the employer and the alien executed the required employment contract and has the employer provided a copy of the contract to the alien?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

I. Recruitment Information**a. Occupation Type – All must complete this section.**

1. Is this application for a professional occupation , other than a college or university teacher? Professional occupations are those for which a bachelor's degree (or equivalent) is normally required.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is this application for a college or university teacher? If Yes, complete questions 2-A and 2-B below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2-A. Did you select the candidate using a competitive recruitment and selection process?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2-B. Did you use the basic recruitment process for professional occupations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

b. Special Recruitment and Documentation Procedures for College and University Teachers – Complete only if the answer to question I.a.2-A is Yes.

3. Date alien selected:
4. Name and date of national professional journal in which advertisement was placed:
5. Specify additional recruitment information in this space. Add an attachment if necessary.

c. Professional/Non-Professional Information – Complete this section unless your answer to question B.1 or I.a.2-A is YES.

6. Start date for the SWA job order 08/04/2010	7. End date for the SWA job order 09/03/2010
8. Is there a Sunday edition of the newspaper in the area of intended employment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Name of newspaper (of general circulation) in which the first advertisement was placed: Honolulu Star-Advertiser	
10. Date of first advertisement identified in question 9: 08/08/2010	
11. Name of newspaper or professional journal (if applicable) in which second advertisement was placed: Honolulu Star-Advertiser	
<input checked="" type="checkbox"/> Newspaper <input type="checkbox"/> Journal	

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**I. Recruitment Information Continued**12. Date of second newspaper advertisement or date of publication of journal identified in question 11:
08/15/2010**d. Professional Recruitment Information – Complete if the answer to question I.a.1 is YES or if the answer to I.a.2-B is YES. Complete at least 3 of the items.**

13. Dates advertised at job fair From: To:	14. Dates of on-campus recruiting From: To:
15. Dates posted on employer web site From: 08/02/2010 To: 09/04/2010	16. Dates advertised with trade or professional organization From: To:
17. Dates listed with job search web site From: 08/05/2010 To: 09/04/2010	18. Dates listed with private employment firm From: To:
19. Dates advertised with employee referral program From: To:	20. Dates advertised with campus placement office From: 08/15/2010 To: 09/04/2010
21. Dates advertised with local or ethnic newspaper From: To:	22. Dates advertised with radio or TV ads From: To:

e. General Information – All must complete this section.

23. Has the employer received payment of any kind for the submission of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23-A. If Yes, describe details of the payment including the amount, date and purpose of the payment :	
24. Has the bargaining representative for workers in the occupation in which the alien will be employed been provided with notice of this filing at least 30 days but not more than 180 days before the date the application is filed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
25. If there is no bargaining representative, has a notice of this filing been posted for 10 business days in a conspicuous location at the place of employment, ending at least 30 days before but not more than 180 days before the date the application is filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
26. Has the employer had a layoff in the area of intended employment in the occupation involved in this application or in a related occupation within the six months immediately preceding the filing of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
26-A. If Yes, were the laid off U.S. workers notified and considered for the job opportunity for which certification is sought?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

J. Alien Information (This section must be filled out. This information must be different from the agent or attorney information listed in Section E).

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Current address 1 423 NAMAHA ST. #102		
Address 2		
3. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA
Postal code 96815		
4. Phone number of current residence 808-728-2646		
5. Country of citizenship TAIWAN	6. Country of birth TAIWAN	
7. Alien's date of birth 01/04/1981	8. Class of admission H-1B	
9. Alien registration number (A#) 135787942	10. Alien admission number (I-94) 06150274322	
11. Education: highest level achieved relevant to the requested occupation:		
<input type="checkbox"/> None <input type="checkbox"/> High School <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input checked="" type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other		

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**J. Alien Information Continued**

11-A. If Other indicated in question 11, specify			
12. Specify major field(s) of study INFORMATION SYSTEMS			
13. Year relevant education completed 2005			
14. Institution where relevant education specified in question 11 was received HAWAII PACIFIC UNIVERSITY			
15. Address 1 of conferring institution 1164 BISHOP STREET			
Address 2			
16. City HONOLULU	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
17. Did the alien complete the training required for the requested job opportunity, as indicated in question H.5?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
18. Does the alien have the experience as required for the requested job opportunity indicated in question H.6?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
19. Does the alien possess the alternate combination of education and experience as indicated in question H.8?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
20. Does the alien have the experience in an alternate occupation specified in question H.10?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
21. Did the alien gain any of the qualifying experience with the employer in a position substantially comparable to the job opportunity requested?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
22. Did the employer pay for any of the alien's education or training necessary to satisfy any of the employer's job requirements for this position?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Is the alien currently employed by the petitioning employer?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

K. Alien Work Experience

List all jobs the alien has held during the past 3 years. Also list any other experience that qualifies the alien for the job opportunity for which the employer is seeking certification.

a. Job 1

1. Employer name University of Hawaii			
2. Address 1 John A. Burns School of Medicine, 651 Ilalo St.			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Info Technology Specialis	
6. Start date 12/05/2005	7. End date	8. Number of hours worked per week 40	

Job 1 continued on next page

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor



K. Alien Work Experience Continued

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

Provide IT support; serve on the Help Desk team, including assisting with managing Help Desk operations; documenting procedures; troubleshooting; other related duties in computer software and hardware support.

Supervisor: Terry Gerber
Phone: 808-692-1111

Note: Ms. Hsiao briefly held the position of IT Specialist (Educational Technology Specialist) from 06/24/2010 - 07/21/2010. On 07/22/2010, she resumed the IT Specialist position described here.

b. Job 2

1. Employer name Hawaii Pacific University			
2. Address 1 1164 Bishop Street			
Address 2			
3. City Honolulu	State/Province HI	Country UNITED STATES OF AMERICA	Postal code 96813
4. Type of business Education - University		5. Job title Asst Computer Support Spec	
6. Start date 02/17/2004	7. End date 10/31/2005	8. Number of hours worked per week 17	
9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.) Provided telephone support to University users; troubleshooting; resolved hardware and software problems; installed, configured, and maintained personal computers. Supervisor: Tom Thomas Phone: 808-544-1193			

c. Job 3

1. Employer name			
2. Address 1			
Address 2			
3. City	State/Province	Country	Postal code
4. Type of business		5. Job title	
6. Start date	7. End date	8. Number of hours worked per week	

Job 3 continued on next page

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor

**K. Alien Work Experience Continued**

9. Job details (duties performed, use of tools, machines, equipment, skills, qualifications, certifications, licenses, etc. Include the phone number of the employer and the name of the alien's supervisor.)

L. Alien Declaration

I declare under penalty of perjury that Sections J and K are true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

In addition, I further declare under penalty of perjury that I intend to accept the position offered in Section H of this application if a labor certification is approved and I am granted a visa or an adjustment of status based on this application.

1. Alien's last name HSIAO	First name YA-WEN	Full middle name
2. Signature	Date signed	

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

M. Declaration of Preparer

1. Was the application completed by the employer?
If No, you must complete this section.



Yes



No

I hereby certify that I have prepared this application at the direct request of the employer listed in Section C and that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.

2. Preparer's last name	First name	Middle initial
3. Title		
4. E-mail address		
5. Signature	Date signed	

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089
U.S. Department of Labor**N. Employer Declaration**

By virtue of my signature below, **I HEREBY CERTIFY** the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and I will pay at least the prevailing wage.
2. The wage is not based on commissions, bonuses or other incentives, unless I guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.
5. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
6. The job opportunity is not:
 - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
 - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state or local law.
8. The job opportunity has been and is clearly open to any U.S. worker.
9. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
10. The job opportunity is for full-time, permanent employment for an employer other than the alien.

I hereby designate the agent or attorney identified in section E (if any) to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, **I take full responsibility** for the accuracy of any representations made by my agent or attorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained herein is true and accurate. *I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 U.S.C. §§ 2 and 1001. Other penalties apply as well to fraud or misuse of ETA immigration documents and to perjury with respect to such documents under 18 U.S.C. §§ 1546 and 1621.*

1. Last name Nakayama	First name Signe	Middle initial
2. Title Immigration Specialist		
3. Signature		Date signed

Note – The signature and date signed do not have to be filled out when electronically submitting to the Department of Labor for processing, but must be complete when submitting by mail. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

O. U.S. Government Agency Use Only

Pursuant to the provisions of Section 212 (a)(5)(A) of the Immigration and Nationality Act, as amended, I hereby certify that there are not sufficient U.S. workers available and the employment of the above will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

This Certification is valid from _____ to _____

Signature of Certifying Officer	Date	04/30/2012
		Signed
A-10344-38244		01/13/2011
Case Number		Filing Date

OMB Approval: 1205-0451
Expiration Date: 08/31/2014

Application for Permanent Employment Certification

ETA Form 9089

U.S. Department of Labor



P. OMB Information

Paperwork Reduction Act Information Control Number 1205-0451

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Respondent's reply to these reporting requirements is required to obtain the benefits of permanent employment certification (Immigration and Nationality Act, Section 212(a)(5)). Public reporting burden for this collection of information is estimated to average 1¼ hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the Division of Foreign Labor Certification * U.S. Department of Labor * Room C4312 * 200 Constitution Ave., NW * Washington, DC * 20210.

Do NOT send the completed application to this address.

Q. Privacy Statement Information

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that the information provided herein is protected under the Privacy Act. The Department of Labor (Department or DOL) maintains a System of Records titled Employer Application and Attestation File for Permanent and Temporary Alien Workers (DOL/ETA-7) that includes this record.

Under routine uses for this system of records, case files developed in processing labor certification applications, labor condition applications, or labor attestations may be released as follows: in connection with appeals of denials before the DOL Office of Administrative Law Judges and Federal courts, records may be released to the employers that filed such applications, their representatives, to named alien beneficiaries or their representatives, and to the DOL Office of Administrative Law Judges and Federal courts; and in connection with administering and enforcing immigration laws and regulations, records may be released to such agencies as the DOL Office of Inspector General, Employment Standards Administration, the Department of Homeland Security, and the Department of State.

Further relevant disclosures may be made in accordance with the Privacy Act and under the following circumstances: in connection with federal litigation; for law enforcement purposes; to authorized parent locator persons under Pub. L. 93-647; to an information source or public authority in connection with personnel, security clearance, procurement, or benefit-related matters; to a contractor or their employees, grantees or their employees, consultants, or volunteers who have been engaged to assist the agency in the performance of Federal activities; for Federal debt collection purposes; to the Office of Management and Budget in connection with its legislative review, coordination, and clearance activities; to a Member of Congress or their staff in response to an inquiry of the Congressional office made at the written request of the subject of the record; in connection with records management; and to the news media and the public when a matter under investigation becomes public knowledge, the Solicitor of Labor determines the disclosure is necessary to preserve confidence in the integrity of the Department, or the Solicitor of Labor determines that a legitimate public interest exists in the disclosure of information, unless the Solicitor of Labor determines that disclosure would constitute an unwarranted invasion of personal privacy.

Addendum

H. 11. Job duties

Develop medical education & administrative software applications for JABSOM, utilizing personal data assistants (PDA), web, & other interfaces, packaged & in-house developed software programs, & data repositories in a distributed environment; System Administration: manage & administer applications used by faculty, staff, & students for medical education, including user administration, security management, & virtual group management; design, implement & integrate subsystems of medium to high complexity using a variety of programming languages, including Microsoft Access, Visual Basic, Active Server Pages, .NET, SQL, & PHP; test & debug systems of medium to high complexity for a distributed computing environment; Mobile Devices: provide application training & support, as well as technical support/troubleshooting for Mobile device access (iPhone, Windows Mobile, Palm, Blackberry, etc.) & applications (T-Res) for coursework/clinical rotations; prepare written technical documentation for systems of medium to high complexity; generate materials & conduct training for end-users including faculty, staff, & students on use of software, web applications, PDAs, databases, etc.; Database Management: design, develop, implement & maintain databases supporting student education & curriculum administration; Database Management: support statistical analysis & data management of exam responses, survey questions, course materials, & curriculum map; keep abreast of emerging technologies & trends in higher education by reviewing articles in trade journals, periodicals, technical manuals, etc. in both paper & electronic formats & by attending classes, conferences, presentations; identify technologies applicable to or of potential use to JABSOM-acquires knowledge of these technologies/systems, hardware/software in order to perform current duties & advise users on the application of identified technologies; assist users in evaluating & selecting appropriate computer hardware & software to meet operational requirements or problem resolution-also provide technical consulting on the implementation & application of selected solutions; integrates IT skills & knowledge in support of JABSOM's educational mission, which may include the usage of principles of education in conjunction with leading edge technology for JABSOM; other duties as assigned.

Addendum

H. 14. Specific skills or other requirements

H.7-A cont: Civil Engineering with emphasis in project mgmt, business degree in mgmt (ie: project mgmt, training, business technology, educational degree with emphasis on technical training, instructional design).

3 years of progressively responsible professional information technology experience with responsibilities for desktop application support, web application support, &/or user application support/help desk, of which 2 years of the experience must have been comparable in scope & complexity to the next lower payband in the UH broadband system (PBA rank); or equivalent education/training or experience; considerable working knowledge of the use of computers for teaching, training &/or learning (e.g., educational technology systems) as demonstrated by the broad knowledge & understanding of the full range of pertinent standard & evolving information technology concepts, principles & methodology; considerable working knowledge & understanding of the broad technology, systems, hardware & software associated with application development, teaching, training, &/or learning with technology (e.g., educational technology); demonstrated ability to recognize a wide range of intricate problems, use reasoning & logic to determine accurate causes, & apply principles & practices to determine, evaluation, integrate, & implement practical & thorough solutions in an effective & timely manner; demonstrated ability to interpret & present information & ideas clearly & accurately in writing, verbally & by preparation of reports & other materials; demonstrated ability to establish & maintain effective working relationships with internal & external organizations, groups, team leaders & members, & individuals; for supervisory work, demonstrated ability to lead subordinates, manage work priorities & projects, & manage employee relations; any equivalent combination of education &/or professional work experience which provides the required education, knowledge, skills and abilities as indicated; considerable working knowledge of scripting languages & web development platforms such as ASP, ASP.NET, PHP, & Perl; considerable working knowledge of system administration as related to user provisioning, security management, systems optimization, upgrade implementation, & customer service; knowledge of application development as demonstrated by a comprehensive understanding of current application development principles & methodology; working knowledge of database integration & management including SQL & MySQL, & ability to create relational databases as needed; considerable knowledge of the limitations, capabilities, uses for desktop applications (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Outlook).

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



SEP 11 2012

IMPORTANT NOTICE

THE ENCLOSED NOTICE AND ORDER REQUIRES THAT THE EMPLOYER, OR ITS REPRESENTATIVE, FILE WITH THE BOARD A STATEMENT OF INTENT TO PROCEED WITHIN 15 DAYS OF THE DATE OF THE NOTICE. (See address on the letterhead above).

IT IS ALSO REQUIRED THAT THE STATEMENT OF INTENT TO PROCEED BE SERVED ON THE ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING LEGAL SERVICES (See address in the enclosed Notice and Order).

FAILURE TO FILE A STATEMENT OF INTENT TO PROCEED WILL RESULT IN DISMISSAL OF THE APPEAL.

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 07 September 2012

BALCA Case No.: 2012-PER-02131

ETA Case No.: A-10344-38244

In the Matter of:

UNIVERSITY OF HAWAII,
Employer

on behalf of

HSIAO, YA-WEN,
Alien.

NOTICE OF DOCKETING
AND
ORDER REQUIRING SUBMISSION OF
STATEMENT OF INTENT TO PROCEED

This matter arises pursuant to an application for permanent alien labor certification under Section 212(a)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. §1182(a)(5)(A), and the "PERM" regulations found at Title 20, Part 656 of the Code of Federal Regulations.

Notice of Docketing: The parties are hereby notified that the Board of Alien Labor Certification Appeals (BALCA) has docketed an appeal in the above-referenced matter.

Order Requiring Statement of Intent to Proceed: BALCA's experience with PERM appeals is that many of the appeals are moot by the time they are docketed or that the Employer was only seeking reconsideration by the Certifying Officer and not a formal appeal to BALCA. Accordingly, in order to prevent expenditure of resources on moot appeals, the Employer is **ORDERED** to file with this Board a **STATEMENT OF INTENT TO PROCEED** within **15 DAYS** of the date of this Notice and Order. The timely filing of a Statement of Intent to Proceed is very important.

Failure to file a Statement of Intent to Proceed will result in a finding that the Employer is not interested in review by the Board, and dismissal of the appeal. This statement may be filed either by the Employer, or by the Employer's agent or attorney listed on the ETA Form 9089, Section E, or by a newly retained agent or attorney, provided that the newly retained agent or attorney also submits a written entry of appearance. A USCIS Form G-28 may be used for this purpose. The Statement of Intent to Proceed shall also be served on the Counsel for Litigation.

Division of Employment and Training Legal Services at the address shown below at the same time that it is filed with the Board.

Employer or Alien's Change of Address: If the Employer or the Alien has changed his or her address, the Employer (or its agent or attorney) must provide the new address with the Statement of Intent to Proceed. Please note that all non-U.S. citizens (aliens) who are required to be registered are also required to keep the USCIS informed of their current address by filing a Form AR-11.

Order Requiring Statement of Position or Legal Brief: All parties shall have 45 days from the date of this Notice and Order to submit a statement of position or a legal brief. **If not already stated in your request for review by the Board, the grounds for the appeal must be specified in a statement or a brief.** Failure to specify the grounds for the appeal may result in a dismissal of the appeal. *North American Printing Ink Co.*, 1988-INA-42 (Mar. 31, 1988) (en banc).

Filing and Service: All further correspondence with the Board must refer to the BALCA case number shown on the caption above, and be mailed to:

U.S. Department of Labor
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400-N
Washington, DC 20001-8002

All pleadings shall, in addition to being filed with the Board, be served on all parties and shall include a written statement setting forth the date and manner of service. A copy of each pleading submitted by the Employer and the Alien must be served on the Solicitor at:

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210

SO ORDERED.

For the Board:



Digitally signed by WILLIAM COLWELL
DN: CN=WILLIAM COLWELL,
OU=ADMINISTRATIVE LAW JUDGE,
O=Office of Administrative Law Judges,
L=Washington, S=DC, C=US
Location: Washington DC

William S. Colwell
Associate Chief Administrative Law Judge

SERVICE SHEET

Case Name: **In_re_UNIVERSITY_OF_HAWAII_**

Case Number: **2012PER02131**

Document Title: **NOTICE OF DOCKETING AND ORDER REQUIRING SUBMISSION OF STATEMENT OF INTENT TO PROCEED**

I hereby certify that a copy of the above-referenced document was sent to the following this 7th day of September, 2012:



Digitally signed by TIANA BERRIOS
DN: CN=TIANA BERRIOS, OU=LEGAL
ASSISTANT, O=Office of Administrative
Law Judges, L=Washington, S=DC,
C=US
Location: Washington DC

TIANA BERRIOS
LEGAL ASSISTANT

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303

{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

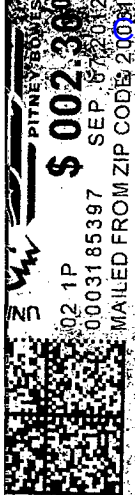
{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815

{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822

{Hard Copy - Regular Mail}



ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303

Handwritten signature

Office of International and Exchange Programs
Faculty and Scholar Immigration Services



UNIVERSITY
of HAWAII
MĀNOA
US DEPT OF LABOR
ADMIN LAW JUDGES

September 14, 2012

2012 SEP 17 A 10:55

U.S. Department of Labor
Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

RE: STATEMENT OF INTENT TO PROCEED
BALCA Case Number: 2012-PER-02131
In the Matter of University of Hawaii, Employer on behalf of Hsiao, Ya-Wen, Alien
ETA Case Number: A-10344-38244

Dear Sir/Madam,

This letter is to notify you that the University of Hawaii wishes to proceed with appealing the denial of the above-mentioned labor certification application. Pursuant to the Notice of Docketing and Order Requiring Submission of Statement of Intent to Proceed, dated September 7, 2012, we will submit a separate Statement of Position/Legal Brief within 45 days of the notice.

Please contact me if you have any questions. Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Signe Nakayama".

Signe Nakayama
Immigration Specialist

FedEx® USA Airbill

Express

841850314529

1 From	Sender's FedEx Account Number <u>09/14/2012</u>		Sender's FedEx Account Number <u>098 956-0935</u>	
Date	<u>09/14/2012</u>		Phone	<u>808 956-0935</u>
Sender's Name	<u>Signe Nakayama</u>			
Company	<u>University of Hawaii</u>			
	<u>Faculty an dscholar Immigration Services</u>			
Address	<u>2565 McCarthy Mall, PSB 105</u>			
	City <u>Honolulu</u> State <u>HI</u> ZIP <u>96822</u>			
2 Your Internal Billing Reference				
3 To	Recipient's Name <u>US Dept of Labor</u>			
	Company <u>Board of Alien Labor Certification Appeals</u>			
Address	<u>800 K Street, NW, Suite 400-N</u>			
	City <u>Washington</u> State <u>DC</u> ZIP <u>20001-8002</u>			



000161

FedEx Retrieval Copy

0200

Form I.D. No.

4a Express Package Service	Delivery commitment for last-mile areas. Delivery commitment may be later in some areas.	
1 <input checked="" type="checkbox"/> FedEx Priority Overnight	5 <input type="checkbox"/> FedEx Standard Overnight	6 <input type="checkbox"/> FedEx First Overnight
Next business morning		
3 <input type="checkbox"/> FedEx 2Day	20 <input type="checkbox"/> FedEx Express Saver	
Second business day		
FedEx charges rate not available. Minimum charge. One-pound rate		
4b Express Freight Service	Delivery commitment may be later in some areas.	
7 <input type="checkbox"/> FedEx 1Day Freight*	8 <input type="checkbox"/> FedEx 2Day Freight	83 <input type="checkbox"/> FedEx 3Day Freight
Next business day		
* Call for Confirmation.		
5 Packaging	2 <input type="checkbox"/> FedEx Pak*	1 <input type="checkbox"/> Other
FedEx Envelope*		
Include FedEx address in Section 3.		
6 Special Handling	Include FedEx address in Section 3.	
3 <input type="checkbox"/> SATURDAY Delivery	1 <input type="checkbox"/> HOLD Weekday	31 <input type="checkbox"/> HOLD Saturday
at FedEx Location		
FedEx Priority Overnight and FedEx 2Day to select ZIP codes		
Does this shipment contain dangerous goods?		
One box must be checked.		
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Dry Ice
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Dry Ice 3 UN 1845
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.		
Cargo Aircraft Only		
Obtain Permit		
Acct. No.		
Emer FedEx Acct. No. or Credit Card No. below.		
7 Payment Bill to:	2 <input type="checkbox"/> Recipient	3 <input checked="" type="checkbox"/> Third Party
1 <input type="checkbox"/> Sender	4 <input type="checkbox"/> Credit Card	5 <input type="checkbox"/> Cash on Check
FedEx Acct. No.		
Credit Card No.		
Evo Dhs		
Total Packages 1353-1427-7		
Total Weight		
Total Charges		
Credit Card Auth.		

1 Your liability is limited to \$100 unless you declare a higher value. See the FedEx Service Guide for details.

8 Release Signature Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

Rev. Date 10/01 • Part #157612 • ©1994-2001 FedEx • PRINTED IN U.S.A. WCS103

446

FedEx® USA Airbill
Express

FedEx
Tracking
Number

841850314529

1 From	
Date <u>09/14/2012</u>	
Sender's Name <u>Sigae Nakayama</u> Phone <u>808 956-0935</u>	
Company <u>University of Hawaii</u>	
Address <u>Faculty an dScheleer Immigration Services</u>	
Address <u>2565 McCarthy Mall, PSB 105</u>	
City <u>Honolulu</u> State <u>HI</u> ZIP <u>96822</u>	
Dupl./Floor/Suite/Room	
2 Your Internal Billing Reference	
Recipient's Name <u>US Dept of Labor</u> Phone	
Company <u>Board of Alien Labor Certification Appeals</u>	
Address <u>800 K Street, NW, Suite 400-N</u>	
To "HOLD" at FedEx location, print FedEx address. We cannot deliver to P.O. boxes or P.O. ZIP codes.	
Address	
City <u>Washington</u> State <u>DC</u> ZIP <u>20001-8002</u>	
Dupl./Floor/Suite/Room	

000162



0200

Recipient's Copy

4a Express Package Service	
Delivery commitment may be later in some areas.	
<input checked="" type="checkbox"/> FedEx Priority Overnight Next business morning	<input type="checkbox"/> FedEx Standard Overnight Next business afternoon
<input type="checkbox"/> FedEx 2Day Second business day	<input type="checkbox"/> FedEx Express Saver Third business day
FedEx coverage rate not available. Minimum charge. One-pound rate.	
4b Express Freight Service	
Delivery commitment may be later in some areas.	
<input type="checkbox"/> FedEx 1Day Freight* Next business day	<input type="checkbox"/> FedEx 2Day Freight Second business day
<input type="checkbox"/> FedEx 3Day Freight Third business day	
* Call for Confirmation.	
5 Packaging	
<input checked="" type="checkbox"/> FedEx Envelope*	<input type="checkbox"/> FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak
* Declared value limit \$500	
6 Special Handling	
Include FedEx address in Section 3.	
<input type="checkbox"/> SATURDAY Delivery Available only for residential delivery. Deliveries made Saturday 9:00 a.m. to 5:00 p.m. in select ZIP codes.	<input type="checkbox"/> HOLD Saturday at FedEx Location FedEx Priority Overnight and FedEx 2Day to select locations
Does this shipment contain dangerous goods? One box must be checked.	
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.	
Dry Ice Dry Ice, A UN 1845	
7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.	
<input checked="" type="checkbox"/> Sender Acct. No. in Section 3 on billlet.	<input type="checkbox"/> Recipient Acct. No.
<input type="checkbox"/> Third Party	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Cash/Check	<input type="checkbox"/> Obtain Recip. Acct. No.
1353	
Total Packages	Total Weight
Total Declared Value	Total Changes
Credit Card Auth.	

8 Release Signature

Your liability is limited to \$100 unless you declare a higher value. See back for details.

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
Questions? Visit our Web site at fedex.com
Rev. 01/01 10/01-P&T 1/5/01 © 1984-2001 FedEx • PRINTED IN U.S.A. WCLL 03

446

Terms And Conditions

Definitions On this Airbill, "we," "our," and "us" refer to Federal Express Corporation, its employees, and agents. "You" and "your" refer to the sender, its employees, and agents.

Agreement To Terms By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. You also agree to those terms on behalf of any third party with an interest in the package. If there is a conflict between the Service Guide and this Airbill, the Service Guide will control. No one is authorized to change the terms of our Agreement.

Responsibility For Packaging And Completing Airbill You are responsible for adequately packaging your goods and properly filling out this Airbill. If you omit the number of packages and/or weight per package, our billing will be based on our best estimate of the number of packages we received and/or an estimated "default" weight per package as determined by us.

Responsibility For Payment Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any cost we incur in either returning your package to you or warehousing it pending disposition.

Limitations On Our Liability And Liabilities Not Assumed

- Our liability in connection with this shipment is limited to the lesser of your actual damages or \$100, unless you declare a higher value, pay an additional charge, and document your actual loss in a timely manner. You may pay an additional charge for each additional \$100 of declared value. The declared value does not constitute, nor do we provide, cargo liability insurance.
- In any event, we will not be liable for any damage, whether direct, incidental, special, or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred including but not limited to loss of income or profits.

• We won't be liable:

- for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking, or addressing, or those of the recipient or anyone else with an interest in the package.
- if you or the recipient violates any of the terms of our Agreement.
- for loss or damage to shipments of prohibited items.
- for loss, damage, or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, acts of public enemies, war, strikes, civil commotions, or acts of public authorities with actual or apparent authority.

Declared Value Limits

- The highest declared value allowed for a FedEx Envelope and FedEx Pak shipment is \$500.
- For other shipments, the highest declared value allowed is \$50,000 unless your package contains items of extraordinary value, in which case the highest declared value allowed is \$500.

- Items of extraordinary value include shipments containing such items as artwork, jewelry, furs, precious metals, negotiable instruments, and other items listed in our Service Guide.

- You may send more than one package on this Airbill and fill in the total declared value for all packages, not to exceed the \$100, \$500, or \$50,000 per package limit described above. (Example: 5 packages can have a total declared value of up to \$250,000.) In that case, our liability is limited to the actual value of the package(s) lost or damaged, but may not exceed the maximum allowable declared value(s) or the total declared value, whichever is less. You are responsible for proving the actual loss or damage.

You may call our Customer Service department at 1.800.Go.FedEx® 800.463.3339 to report a claim; however, you must still file a timely written claim.

Within 90 days after you notify us of your claim, you must send us all the information you have about it. We aren't obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume the package was delivered in good condition. For us to process your claim, you must make the original shipping cartons and packing available for inspection.

Right To Inspect We may, at our option, open and inspect your packages before or after you give them to us to deliver.

Right Of Rejection We reserve the right to reject a shipment when such shipment would be likely to cause delay or damage to other shipments, equipment, or personnel, or if the shipment is prohibited by law, or if the shipment would violate any terms of our Airbill or our current Service Guide.

C.O.D. Services C.O.D. SERVICE IS NOT AVAILABLE WITH THIS AIRBILL. If C.O.D. Service is required, please use a Federal Express C.O.D. Airbill.

Air Transportation Tax Included A federal excise tax when required by the Internal Revenue Code on the air transportation portion of this service, if any, is paid by us.

Money-Back Guarantee In the event of untimely delivery, Federal Express will, at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for more information.

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 04 August 2016

BALCA Case No.: 2012-PER-02131
ETA Case No.: A-10344-38244

In the Matter of:

UNIVERSITY OF HI,
Employer

on behalf of

HSIAO, YA-WEN,
Alien.

ORDER REQUIRING CERTIFICATION ON MOOTNESS

The above-captioned matter is approaching assignment to a three-judge panel of the Board of Alien Labor Certification Appeals. Due to delay in adjudication caused by a heavy backlog of PERM appeals, the Board is concerned about moot appeals. Accordingly, the Employer is **ORDERED** to certify whether:

- (1) The job identified in the PERM Application is still open and available on the same terms set forth in the Application; and
- (2) The alien identified in the PERM Application to fill the position is ready, willing and able to fill the position should the decision below be overturned.

The Employer's certification must be filed with the Board at the U.S. Department of Labor Board of Alien Labor Certification Appeals, 800 K Street, NW, Suite 400-N, Washington, DC 20001-8002, within 14 days of the date of this order and served on all parties.

A response indicating that the job is no longer available or that the alien is no longer available will result in an order of dismissal of the appeal based on mootness. Failure to respond to this Order Requiring Certification on Mootness will also result in dismissal of the appeal.

SO ORDERED.

For the Board:



Digitally signed by STEPHEN R.
HENLEY
DN: CN=STEPHEN R. HENLEY,
OU=ADMINISTRATIVE LAW JUDGE,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

STEPHEN R. HENLEY
Chief Administrative Law Judge

Office of International and Exchange Programs
Faculty and Scholar Immigration Services



UNIVERSITY
of HAWAII®
MĀNOA

August 17, 2016

U.S. Department of Labor
Board of Alien Labor Certification Appeals
Office of Administrative Law Judges

RECEIVED AUG 23 2016

RE: BALCA Case No: 2012-PER-02131
ETA Case Number: A-10344-38244
Alien's Name: Ya-Wen HSIAO
Employer's Name: University of HI

Dear Panel:

In response to Order Requiring Certification on Mootness issued on August 4, 2016, on behalf of the University of HI, I certify the following:

- (1) The job identified in the PERM Application that is the subject of this appeal is still open and available on the same terms set forth in the Application; and
- (2) I have conferred with Ya-Wen Hsiao, the alien identified in the PERM Application to fill the position, and confirmed that he is ready, willing and able to fill the position should the decision below be overturned.

I declare under penalty of perjury under the laws of the United States of America, 28 U.S.C. § 1746, that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Signe Nakayama".

Signe Nakayama
Director, Faculty and Scholar Immigration Services

08/17/2016

Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Employer Certification has been served on the

U.S. Department of Labor Board of Alien Labor Certification Appeals
800 K Street NW, Suite 400-N
Washington, DC 20001-8002
{via courier service}

ALC Certification Officer
United States Department of Labor/ETA
Harris Tower
233 Peachtree St. Suite 410
Atlanta, GA 30303

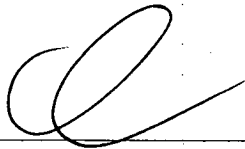
Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave NW
Washington DC 20210

Administrator
Office of Foreign Labor Certification
United States Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave NW
Washington DC 20210

Ya-Wen Hsiao
423 Namahana St. #102
Honolulu, HI 96815

Signe Nakayama
University of Hawaii
Faculty & Scholar Immigration Services
2565 McCarthy Mall, PSB 102-106
Honolulu, HI 96822

Via regular mail on this 17th day of August, 2016.



David A. M. Ware, Esq.

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 04 August 2016

BALCA Case No.: 2012-PER-02131
ETA Case No.: A-10344-38244

In the Matter of:

UNIVERSITY OF HI,
Employer

on behalf of

HSIAO, YA-WEN,
Alien.

ORDER REQUIRING CERTIFICATION ON MOOTNESS

The above-captioned matter is approaching assignment to a three-judge panel of the Board of Alien Labor Certification Appeals. Due to delay in adjudication caused by a heavy backlog of PERM appeals, the Board is concerned about moot appeals. Accordingly, the Employer is **ORDERED** to certify whether:

- (1) The job identified in the PERM Application is still open and available on the same terms set forth in the Application; and
- (2) The alien identified in the PERM Application to fill the position is ready, willing and able to fill the position should the decision below be overturned.

The Employer's certification must be filed with the Board at the U.S. Department of Labor Board of Alien Labor Certification Appeals, 800 K Street, NW, Suite 400-N, Washington, DC 20001-8002, within 14 days of the date of this order and served on all parties.

A response indicating that the job is no longer available or that the alien is no longer available will result in an order of dismissal of the appeal based on mootness. Failure to respond to this Order Requiring Certification on Mootness will also result in dismissal of the appeal.

SO ORDERED.

For the Board:



Digitally signed by STEPHEN R.
HENLEY
DN: CN=STEPHEN R. HENLEY,
OU=ADMINISTRATIVE LAW JUDGE,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

STEPHEN R. HENLEY
Chief Administrative Law Judge

SERVICE SHEET

Case Name: In_re_UNIVERSITY_OF_HAWAII_

Case Number: 2012PER02131

Document Title: **ORDER REQUIRING CERTIFICATION ON MOOTNESS**

I hereby certify that a copy of the above-referenced document was sent to the following this 4th day of August, 2016:



Digitally signed by Theresa N. Ferguson
DN: CN=Theresa N. Ferguson, OU=Legal
Assistant, O=US DOL Office of
Administrative Law Judges, L=Washington,
S=DC, C=US
Location: Washington DC

Theresa N. Ferguson
Legal Assistant

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303

{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815

{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822
{Hard Copy - Regular Mail}

David A. M. Ware, Esq.
Ware/Gasparian
3850 N. Causeway Blvd.
Suite 555
METAIRIE LA 70002
{Hard Copy - Regular Mail}



WARE | IMMIGRATION

3850 N. CAUSEWAY BLVD. • SUITE 555 • METAIRIE, LA 70002-1752

NEW ORLEANS
LA 700
18 AUG '16
PM 4 L

neobostTM

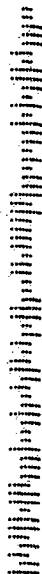
08/17/2016

US POSTAGE \$000.48⁰⁰



ZIP 70002
041L10248659

ALC Certification Officer
United States Department of Labor/ETA
Harris Tower
233 Peachtree St. Suite 410
Atlanta, GA 30303



30303-157310

000170

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 16 November 2016

BALCA Case No.: 2012-PER-02131

ETA Case No.: A-10344-38244

RECEIVED NOV 21 2016

In the Matter of:

UNIVERSITY OF HAWAII,
Employer,

on behalf of

YA-WEN HSIAO,
Alien.

Certifying Officer: William Carlson, Ph.D.
National Certifying Officer
Atlanta National Processing Center

Appearance: David A.M. Ware, Esquire
Ware Gasparian
Metairie, Louisiana
For the Employer

Before: Colleen A. Geraghty, *District Chief Administrative Law Judge* and
Timothy J. McGrath and Daniel F. Sutton, *Administrative Law Judges*

Opinion for the Board filed by GERAGHTY, *District Chief Administrative Law Judge* with whom
McGRATH and SUTTON, *Administrative Law Judges*, join:

DECISION AND ORDER
AFFIRMING DENIAL OF CERTIFICATION

This matter which arises under Section 212(a)(5)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(a)(5)(A) and the "PERM" labor certification regulations at 20 C.F.R. Part 656¹ is before the Board of Alien Labor Certification Appeals ("the Board") on the Employer's request for review pursuant to 20 C.F.R. § 656.26 of the administrative denial of its

¹ "PERM" is an acronym for the "Program Electronic Review Management" system established by the regulations that went into effect on March 28, 2005. 69 Fed. Reg. 77326 (Dec. 27, 2004).

application for a Permanent Employment Certification. The Board's consideration of the request for review is based on a review of the record upon which the denial of certification was made, the request for review, and any statement of position or legal brief. 20 C.F.R. § 656.27(c). For the reasons set forth below, we affirm the denial of the Employer's Application for Permanent Employment Certification.

BACKGROUND

On January 13, 2011, the Certifying Officer ("CO") accepted for filing the Employer's *Application for Permanent Employment Certification* ("Form 9089") sponsoring the Alien for permanent employment in the United States as an "Information Technology Specialist (Educational Technology Specialist)" in Honolulu, Hawaii at the offered annual wage of \$57,194.00. (AF 140-151).² The occupational title listed on the Employer's Form 9089, Section F-3 was "Computer Software Engineers, Applications, Non," Standard Occupational Classification Code 15-1034.00. (AF 141). The Employer attested that the job of Information Technology Specialist is a professional occupation, that the minimum education requirement is a Bachelor's degree in Management Information Systems, and that no experience in the job is required. (AF 141-143). The Employer further attested that it would accept a Bachelor's degree in Information Systems, Computer Science, Project Management or Electrical Engineering but that there is no alternate combination of education and experience that is acceptable. (AF 142).

On January 18, 2011, the CO issued an *Audit Notification* which directed the Employer to submit documentation supporting the attestations made in the Form 9089 including recruitment documentation as described in 20 C.F.R. § 656.17. (AF 136-139). The Employer submitted the requested audit information on February 16, 2011. (AF 136). The CO then issued a second *Audit Notification* letter on February 28, 2011. (AF 132-133). In this letter, the CO requested the Employer to "[p]rovide a copy of the complete, original response as submitted on February 16, 2011. Copies may be used if original documents (tear sheets, PWD, etc.) were sent with the prior submission." (AF 133).³ As requested, the Employer resubmitted its audit response under cover letter dated March 1, 2011. (AF 35-131).

The CO denied certification of the Employer's application on two grounds in a letter dated March 23, 2012. (AF 32-34). In Denial Reason #1, the CO stated the Employer had failed to provide adequate documentation of the additional recruitment steps required for professional

² Citations to the Appeal File are abbreviated as "AF" followed by the page number.

³ The Employer's audit response that was filed with the CO on February 16, 2011 is not included in the Appeal File that was transmitted to the Board by the CO, apparently because it is no longer available for reasons that are not clear from the record. The CO included the following statement in the AF:

It is noted the employer's response to audit received by the Department of Labor's Office of Foreign Labor Certification on 02/16/2011 is not necessary to render an accurate determination on the employer's request for reconsideration as outlined in the Transmittal Letter.

(AF 136). The Employer has not raised any issue on appeal regarding the absence of its February 16, 2011 audit response, presumably as it was subsequently provided an opportunity to resubmit the response.

occupations as requested in the *Audit Notification* letter. (AF 33). The CO noted that the Employer indicated in the Form 9089 that it used its web site to advertise the job opportunity and that it had "provided a document which looks to be a word document that is title[d], "Work at UH Advertisement." (AF 33).⁴ The CO stated that "[t]he document does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website." (AF 33). The CO concluded that the Employer had failed to provide dated copies of the pages from the site that advertised the job opportunity and that denial of its application was authorized by 20 C.F.R. § 656.17(e)(1)(ii)(B) which states that "[t]he use of the employer's web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." (AF 33). As Denial Reason #2, the CO stated that the documentation submitted as proof of the Employer's website advertising "offers terms and conditions of employment that are less favorable than those offered to the foreign worker. Specifically, the advertisement contains a wage of \$3,684 per month, \$44,220.80 per year which is lower than the offered wage, \$57,194.00 per year listed in section G.1 on the ETA Form 9089." (AF 33). The CO concluded that denial was authorized by 20 C.F.R. § 656.17(f)(7) which provides that advertisements placed in newspapers of general circulation or in professional journals must "not contain wages or terms and conditions of employment that are less favorable than those offered to the alien." (AF 33).

On April 19, 2012, the Employer filed a request for reconsideration with the CO. (AF 3-31). In response to Denial Reason #1, the Employer stated,

As a matter of University of Hawaii (UH) policy, every position being recruited is advertised on our Work at UH website (workatuh.hawaii.edu). Attached is a printout of the advertisement from the Work at UH website which contains the URL and print date of August 3, 2010 as proof that this ad was indeed posted on the University's website during the period stated in the ETA Form 9089. This particular printout was not previously provided by the UH John A. Burns School of Medicine, which conducted the recruitment, to the Office of Faculty and Scholar Immigration Services (FSIS), which handled the filing of the PERM application. Thus, only the printout of the ad without the URL and print date (due to printer settings) was available to FSIS at the time of the audit response.

(AF 3). With regard to Denial Reason #2, the Employer requested reconsideration, asserting that §656.17(f)(7), which the CO cited, only applies to "advertisements placed in newspapers of general circulation or in professional journals" and not to website advertisements. (AF 3). The Employer further contended,

Even if Sec. 656.17(f)(7) can be applied to advertisements under 656.17(e)(1)(ii), the University clearly indicated in the ad that the salary included in the Work at UH advertisement was a "minimum" amount. Any applicant would have been

⁴ The document referred to by the CO is found at pages 77-80 of the Appeal File. It bears the heading, "Work at UH Advertisement" and contains a "Date Posted: August 02, 2010" and a "Closing Date: September 04, 2010." (AF 77). The document is otherwise not dated, nor does it appear, as the CO pointed out, to be a copy of an advertisement printed from a website.

immediately apprised of this fact upon even a cursory glance at the ad. Since it was specified that this salary was the starting point from which a successful applicant could negotiate, the University was not attempting to offer the foreign national a more favorable wage than it would to an equally or better qualified [. . .] applicant.

(AF 4). The Employer added that,

IT Specialist positions are classified as Administrative, Professional, and Technical (APT) positions, which are covered by a collective bargaining agreement that contains salary schedules. At the time of the original posting of the position, all University APT positions were advertised on the Work at UH job posting website stating only the minimum salary per the collective bargaining agreement between the University of Hawaii and the Hawaii Government Employees Association (HGEA). The IT Specialist position described in the ETA Form 9089 is a Pay Band B position with a possible salary range from \$42,492 per year through \$107,748 per year.

(AF 4). The Employer stated that the “details of the salary ranges are available to the public on the University Office of Human Resources website for the APT Broadband System and in an “Information Technology Point Conversion Worksheet” also available on the website. (AF 4).

In a letter dated April 30, 2012, the CO notified the Employer it had not overcome the deficiencies cited in the initial determination. (AF 1-2). Specifically, the CO determined that the printout containing the URL and the print date that the Employer submitted with its request for reconsideration were barred by 20 C.F.R. §§ 656.24(g)(2) because the Employer had the opportunity to submit adequate proof of the website advertisement with its audit response and failed to do so. (AF 1). The CO thus concluded that “[s]ince the employer failed to provide adequate proof of the advertisement on the employer's website in response to the audit letter,” denial was valid in accordance with 20 C.F.R. § 656.17(e)(1)(ii)(B). The CO also concluded that Denial Reason #2 remained valid despite the Employer's arguments in support of reconsideration:

However, the employer's website is one part of the recruitment effort used by the employer to test the labor market and must therefore contain the same information required of advertisements set forth in Departmental regulations at 20 CFR § 656.17(f). Additionally, the advertisements must not contain wages and terms and conditions of employment that are less favorable than those offered to the foreign worker in accordance with Departmental regulations at 20 CFR § 656.17(f)(7).

Since the advertisement on the Employer's website contained a wage less than the offered wage as listed on the ETA Form 9089, the CO determined that Denial Reason #2 was valid pursuant to 20 C.F.R. § 656.17(f)(7). (AF 1-2).

After denying the Employer's request for reconsideration, the CO forwarded the case to the Board. In response to the Board's notice of docketing, the Employer filed a statement

confirming its intention to proceed with the appeal. The Employer also filed a brief ("Emp. Br.") with the Board. On August 4, 2016, the Board issued an *Order Requiring Certification on Mootness*. The Employer responded by letter dated August 17, 2016 which certified that the job is still open and available and that the Alien is still ready, willing, and able to fill the position. The CO did not file an appellate brief.

STANDARD OF REVIEW

The Board's review of the CO's legal and factual determinations when denying an application for permanent alien labor certification is *de novo*, limited in scope by 20 C.F.R. § 656.27(c). *Albert Einstein Medical Center*, 2009-PER-00379 (Nov. 21, 2011) (*en banc*), slip op. at 32. Thus, the Board engages in *de novo* review of the record upon which the CO denied permanent alien labor certification, together with the request for review, and any statements of position or legal briefs. *Id.* at 25. The Board may not consider evidence first presented in an appellate brief. *Id.* at 7. The Board permits general legal argument in briefs, but will not consider wholly new arguments not made before the CO. *Id.* at 8. The Board will not decide an appeal on grounds for denial not raised while the case was before the CO. *Loews Anatole Hotel*, 1989-INA-00230 (Apr. 26, 1991) (*en banc*); *Mandy Donuts Corp.*, 2009-PER-00481 (Jan. 7, 2011).

DISCUSSION

The permanent labor certification process is the first step an employer must complete in order to sponsor certain foreign workers for lawful permanent resident status.⁵ 8 U.S.C. § 1182(a). The labor certification represents the Secretary of Labor's certification that there are no able, willing, qualified, and available U.S. workers for the position the alien seeks to perform on a permanent basis.⁶ 8 U.S.C. § 1182(a)(5)(A)(i)(I). PERM is an attestation-based program. 20 C.F.R. § 656.10(c). Among other attestations, an employer must attest that the job opportunity listed in the application for permanent employment certification has been and is clearly open to any U.S. worker. 20 C.F.R. § 656.10(c)(8). Accordingly, the regulations require an employer to conduct mandatory recruitment steps and make a good-faith effort to recruit U.S. workers prior to filing an application for permanent alien labor certification. *See* 20 C.F.R. § 656.17(e); *Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System*, 69 Fed. Reg. 77326, 77348 (Dec. 27, 2004). If the employer's recruitment efforts do not yield any able, willing, qualified, and available U.S. workers, the employer may file an application on Form 9089. *See, e.g.*, 20 C.F.R. § 656.17(a). An employer sponsoring a foreign worker for permanent labor certification bears the burden of proving that all regulatory requirements have been satisfied before the CO can grant certification. 8 U.S.C. § 1361; 20 C.F.R. § 656.2(b).

⁵ Lawful permanent resident status is commonly referred to as having a green card. Among the benefits afforded to lawful permanent residents is the opportunity to apply for naturalization. 8 U.S.C. § 1427(a).

⁶ The labor certification also represents the Secretary of Labor's certification that the permanent employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. § 1182(a)(5)(A)(i)(II).

Where, as in this case, an employer sponsors an alien worker for a job opportunity classified as a professional occupation, the employer must conduct additional recruitment steps, one of which is use of the employer's website. 20 C.F.R. § 656.17(e)(1)(ii)(B). Section 656.17(e)(1)(ii)(B) provides that "[t]he use of the employer's Web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." An employer seeking permanent labor certification must also be prepared to submit required documentation of those steps in the event of an audit. *Peritus Inc.*, 2012-PER-01227 (Apr. 30, 2013), *see also* 20 C.F.R. §§ 656.10(f) (requirement that supporting documentation be retained for five years from the filing date) and 656.17(a)(3) (requirement that employer produce required documentation in the event of an audit).

The CO denied certification because the Employer did not submit a dated copy of the advertisement from its website, and he refused to consider the dated copies that the Employer submitted with its request for reconsideration. In *Kyyba Inc.*, 2012-PER-01465 (Aug. 30, 2016), another Board panel recently affirmed the CO's denial of certification and refusal to accept documentation that was not provided in the audit response under identical circumstances. *See also Nippon Travel Agency Micronesia, Inc.*, 2012-PER-00125 (Apr. 14, 2012); *DGN Technologies, Inc.*, 2011-PER-02869 (Mar. 26, 2013). We fully agree with this precedent and conclude that since the Employer admittedly failed to submit acceptable proof of its website recruitment in response to the CO's *Audit Notification*, denial of certification pursuant to 20 C.F.R. § 656.17(e)(1)(ii)(B) is warranted. We also conclude that the CO properly refused to accept the Employer's proof that was offered for the first time with its request for reconsideration because the Employer had the opportunity, and indeed the responsibility, to submit this evidence with its audit response. 20 C.F.R. § 656.24(g)(2)(i)-(ii).

In concluding that affirmance of the CO's Denial Reason #1 is warranted, we have considered but are unpersuaded by the Employer's arguments on appeal that the proof of website advertising that it submitted with its audit response complied with the requirements of § 656.17(e)(1)(ii)(B) based on the Board's decision in *EZCHIP, Inc.*, 2010-PER-00120 (Jan. 12, 2011) and that the evidence submitted with its request for reconsideration is properly before the Board because it was considered by the CO and is, thus, part of the record. Emp. Br. at 3-5. The Employer's reliance on *EZCHIP* is unavailing. In *EZCHIP*, the Board panel stated,

The regulations do not preclude an employer from providing documentation of the advertisement posted on its website in a manner other than by submitting dated printouts of the website advertisement, and the Office of Foreign Labor Certification ("OFLC") website notes that the CO may find documentation adequate even if the Employer cannot provide the dated copies of the advertisement from the website. The OFLC website includes a response to a Frequently Asked Question ("FAQ") stating that if an employer does not have a copy of the posting from its website, "the employer may provide an affidavit from the official within the employer's organization responsible for the posting of such occupations on the website attesting, under penalty of perjury, to

the posting of the job.” However, the FAQ states that such a submission does not guarantee that the CO will find such a submission to be adequate documentation of the posting on the website.

Slip op. at 4 (footnotes omitted). We concur with this analysis. However, in *EZCHIP*, the documentation submitted by the employer with its audit response (1) included a letter from the Employer’s Vice President of Worldwide Sales, certifying that he posted the job opportunity on the website from May 29, 2007, to July 19, 2007, (2) and a five-page document dated September 24, 2007, showing a listing of open positions for the Employer’s organization, and showing the Employer’s website address at the bottom of each page. *Id.* The Employer in this case submitted no affidavit as described in the FAQ and no letter or other attestation from any appropriate university official. More importantly, the Employer seems to have overlooked the panel’s ultimate holding in *EZCHIP*:

Because the five page job announcement document showed the date of posting as September 24, 2009 — as opposed to a date between May 29 and July 19, 2007 — it did not by itself comply with the regulatory requirement of documentation through dated copies of the website posting. Thus, the Employer needed some other proof of the dates of the posting. The statement of the Vice President of Worldwide Sales, included with the audit response, did not indicate that the Vice President was the official within the Employer’s organization responsible for the posting of such occupations on the website. Thus, the audit response documentation did not establish the dates of posting in the affidavit format specified by the OFLC FAQ. Moreover, we note that the affidavit was dated October 10, 2007, almost three months after the dates that the posting assertedly was made.

Website pages are often ephemeral. Thus, retention of reliable contemporaneous documentation of the status of a web page on the dates attested to in the Form 9089 is essential for an employer to be able to meet the PERM documentation requirement of dated copies of company website postings. In the instant case, the Employer failed to document the website advertisement through the method specified under the regulation, the alternate method articulated in the FAQ response, or any other adequately credible documentation. Although the Vice President’s letter may constitute a form of documentation, it did not provide enough information for the CO to determine that the Vice President of Worldwide Sales personally posted the job opportunity on the Employer’s website. *See PSI Family Services, Inc.*, 2010-PER-97 (Apr. 16, 2010); *Living Earth Landscape Design, LLC*, 2009-PER-480 (Apr. 15, 2010).

Id. at 4-5 (footnotes omitted). Consequently, the panel affirmed the CO’s denial of certification for noncompliance with the proof requirements of § 656.17(e)(1)(ii)(B). *Id.* at 6. Therefore, rather than supporting the Employer’s position, *EZCHIP* confirms that the CO correctly determined that the undated, unverified documentation submitted with the audit response, which was clearly inferior to the proof submitted in *EZCHIP*, failed to comply with the requirements of

§ 656.17(e)(1)(ii)(B). We also reject as totally at odds with the record the Employer's claim that the CO considered the documentation offered with the request for reconsideration, thus placing it before the Board. That is, the record unambiguously demonstrates that the CO refused to consider the Employer's new evidence pursuant to 20 C.F.R. §§ 656.24(g)(2) because he determined that the Employer had the opportunity to submit adequate proof of the website advertisement with its audit response and failed to do so. (AF 1).

Since the CO did not err in denying certification pursuant to 20 C.F.R. § 656.17(e)(1)(ii)(B), we affirm.⁷

ORDER

IT IS ORDERED that the denial of labor certification in this matter is hereby **AFFIRMED**.

SO ORDERED.

For the panel:



Digitally signed by Colleen Geraghty
DN: CN=Colleen Geraghty,
OU=Administrative Law Judge, O=US
DOL Office of Administrative Law
Judges, L=Boston, S=MA, C=US
Location: Boston MA

COLLEEN A. GERAGHTY
Administrative Law Judge

⁷ In view of our determination to affirm denial of certification for noncompliance with § 656.17(e)(1)(ii)(B), we find it unnecessary to address the CO's second denial reason.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within twenty days from the date of service a party petitions for en banc review by the Board. Such review is not favored and ordinarily will not be granted except (1) when en banc consideration is necessary to secure or maintain uniformity of the Board's decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

**Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002**

Copies of the petition must also be served on other parties and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting en banc review with supporting authority, if any, and shall not exceed ten double-spaced pages. Responses, if any, shall be filed within ten days of service of the petition, and shall not exceed ten double-spaced pages. Upon the granting of a petition the Board may order briefs.

SERVICE SHEET

Case Name: **In_re_UNIVERSITY_OF_HAWAII_**

Case Number: **2012PER02131**

Document Title: **DECISION AND ORDER AFFIRMING DENIAL OF CERTIFICATION**

I hereby certify that a copy of the above-referenced document was sent to the following this 16th day of November, 2016:



Digitally signed by Kristian Hinojosa
DN: CN=Kristian Hinojosa, OU=Legal
Assistant, O=US DOL, Office of
Administrative Law Judges, L=Boston,
S=MA, C=US
Location: Boston MA

Kristian Hinojosa
Legal Assistant

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303

{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815

{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822
{Hard Copy - Regular Mail}

David A. M. Ware, Esq.
Ware/Gasparian
3850 N. Causeway Blvd.
Suite 555
METAIRIE LA 70002
{Hard Copy - Regular Mail}

049J00740432
\$09.450
11/16/2016
Mailed From 02222
US POSTAGE

US OFFICIAL MAIL
\$300 Penalty
For Private Use



Department of Labor
Administrative Law Judges
O'Neill Federal Building
May Street, Room 411
02222

Label 400 Jan 2013
7890-16-000-7848



9114 9999 4431 4102 6632 07

USPS TRACKING #

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303



UNIVERSITY
of HAWAII
MĀNOA

Handwritten signature

John A. Burns School of Medicine
Office of the Dean

651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

December 1, 2016

Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002

2016 DEC 5 AM 11:55

RECEIVED
WASHINGTON
DEC 5 2016

RE: **Petition of En Banc Review**
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

Dear Sir/Madam,

Enclosed please find the Petition for En Banc Review in connection with the above-referenced case. The petition is timely filed as it has been submitted within 20 days of the November 16, 2016 Decision and Order Affirming the Denial of Certification.

Please contact me if you require any additional information.

A handwritten signature in black ink, appearing to read "William F. Haning, III".

William. F. Haning, III, MD
Director, Undergraduate Medical Education (Director, M.D. Programs)
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534



UNIVERSITY
of HAWAII
MĀNOA

John A. Burns School of Medicine
Office of the Dean

651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

DEPARTMENT OF LABOR
BOARD OF ALIEN LABOR CERTIFICATION APPEALS

BALCA Case Number: 2012-PER-02131

ETA Case Number: A-10344-38244

December 1, 2016

In the Matter of

Permanent Labor Certification

Application of

University of Hawaii

On Behalf of

Ya-Wen Hsiao

Petition for En Banc Review by the Board (*Pro Se*)

We respectfully petition the court to grant an En Banc review on BALCA Case No. 2012-PER-02131 in the matter of University of Hawaii on behalf of Ya-Wen Hsiao to secure and maintain uniformity of its decisions. As well as to address procedural criteria and in which the board constitutes as adequate documentation, fundamental fairness and due process, all of which are issues of exceptional importance.

Background

On November 16, 2016, the BALCA adjudicated the case in point and issued a Decision and Order (DO) in the matter of University of Hawaii on behalf of Ya-Wen Hsiao. The decision and order was affirming the denial of certification.

Under the Decision and Order (DO), the board discussed the issue wherein the CO properly refused to accept the proof of website posting that was submitted on the initial request for reconsideration dated April 13, 2012. The board also concurred with the analysis that the regulations do not preclude an employer from providing documentation other than dated printouts of the website.

En Banc Review is needed to maintain uniformity of the Boards decisions

(IBM 2011-PER-01264 August 23, 2012)

The instant case is indistinguishable with IBM, 2011-PER-01264 (August 23, 2012) where the board reversed the denial citing that the record was successful in creating a logical nexus that the additional recruitment steps were conducted. In fact, there were more evidences in the instant case's appeal file as compared with the IBM case where the board found enough evidence to form a logical nexus that the additional recruitment steps were taken.

In IBM, the panel enumerated the following criteria: A signed statement as evidence of additional recruitment steps. The document stating the name of the job opportunity found on ETA form 9089, signed by employer's immigration coordinator. The dates match the dates provided by the employer in section I(d)15. Furthermore, according to the employers ETA Form, the immigration coordinator is the employers contact under section D. She is also the signer of the NOF. In addition, the employer also submitted the posting with an email showing the posting went live. (IBM 2011-PER-01264 p3-4)

In the instant case, Signe Nakayama has attested on the first appeal that it was a matter of policy that every position is advertised on the UH Website (AF3). On the February 10, 2011 submission of audit materials, Nakayama also declares under penalty of perjury through the audit notification that the ad was placed on the employer's website. (AF 37 and 38) Nakayama is also the signer on ETA Form 9089 that declares under penalty of perjury (AF 27) that recruitment information was posted on the employer's website from August 2, 2010 to September 4, 2010.(AF 23) Nakayama is also the employer's contact under section D (AF 19) and the signer for the Notice of Filing (AF 55) Aside from Nakayama, Damon Sakai who was the supervisor and director of both the department (AF 69) and recruitment efforts (AF 61) signed the recruitment report which attests to the website posting on the matching dates printed on the ETA Form. (AF 59)

Additionally, the newspaper tear sheets all direct interested applicants to the website. It specifically says "For Full Description and other employment listings, visit website above". The dated tear sheets clearly shows that the dates match the employer's website as well. (AF 73, 74, 76)

The campus placement ad which is dated accordingly with the web address as part of the additional recruitment steps required also directs applicants to the website for more information (AF 88)

In IBM, the panel concluded that the evidence found on the appeal file which was part of the record and apart from the submitted documentation which was first presented on appeal, was sufficient evidence that recruitment was conducted. The instant case has clearly met and exceeded the criteria set forth in IBM. The panel in the instant case was silent on all other evidences that was present in the appeal file.

Criteria to determine adequate and credible documentation apart from a dated printout is vague and inconsistent

The panel determined that the documentation submitted with the request for reconsideration was “clearly inferior” to the proof submitted in EZCHIP. (DO 7) This was because the board only considered the document that was rejected by the CO (DO 7) and not the appeal file in its entirety. This despite the employer’s claim that there is enough evidence to show that the job was indeed posted on the employer’s website, the employer respectfully disagrees and present its arguments which are all within the record of the appeal file.

The Board’s discussion and citation in the ruling in EZCHIP Inc., 2010-PER-00120 presents two additional “documentation” to prove that there was a website posting. Namely the 5 page job announcement and the statement of the VP. The panel pointed out that the holding in that case was an affirmation of the denial.

In the instant case, there is far more evidence of the website posting than just two. In contrast to EZCHIP, where the employer’s VP did not attest under penalty of perjury, the employer in the University of Hawaii case made just such a declaration. (AF 27) Secondly, the newspaper tear sheets also show numerous openings for the employer’s position with the web address clearly stated and the ad was not a mere 3 line ad, it was an ad that was almost one fourth page size that was displayed on two Sunday editions of the largest circulated paper in the State of Hawaii. Additionally, unlike EZCHIP, University of Hawaii has the dates matched up. If these two requirements are the only criteria to demonstrate that the job was indeed posted, we present that we have exceeded those requirements. This is in contradiction of the panel where it said that there was no letter or other attestation from any appropriate university official. (DO 7) We also would like to point out inconsistencies and ambiguity in past similar cases.

The refusal or failure to look though the appeal file and see the evidence as stated above despite agreeing and concurring that “the regulations do not preclude an employer from providing documentation of the advertisement posted on its website in manner other than by submitting dated printouts of the website” and even discussing it at length in the Decision and Order is unfair. Example of cases where the board has looked through and considered other evidence apart from the document rejected by the CO: EZCHIP where the board considered 2 additional documents. AMNEAL Pharmaceuticals (2012-PER-03266) where the board considered three different documentations. In each of these instances, the instant case would meet the criteria that those panels have stated. The board in KPMG LLP, 2010-PER-01204 (Oct 5, 2011), Revenue Management, 2010-PER-01287 (Oct 3, 2011) and Vinmar International, 2011-PER-00516 (January 18, 2012) all stated that the panels in those cases have looked through the documentation and said:

"Employer did not provide documentation of the website advertisement through the method specified under the regulation, the method articulated in the FAQ response, *or any other adequately credible documentation*" Vinmar (p4, emphasis added). Vinmar was silent on what would constitute this credible documentation.

We respectfully petition the court for an En Banc review to clarify what criteria would be considered in deciding what constitutes "adequately credible documentation" to support that the website posting was indeed posted. This will serve to maintain uniformity with BALCA decisions.

Reliance on faulty findings of fact that cause prejudicial assumptions offends fundamental fairness and due process

The Decision and Order dated November 16, 2016 stated factual mistakes with regards to the dates. On DO page 2, the background information or statement of facts section of the Decision and Order states that the CO issued a second Audit Notification dated February 28, 2011. (DO 2) The record will show that second request was not given to the employer for more than one year after the stated date. The correct date is February 28, 2012. (AF 36) The significance of this is that at footnote of (DO 2), the board states that the employer "has not raised any issue on appeal regarding the absence of its February 16, 2011 audit response, *presumably as it was subsequently provided an opportunity to resubmit the response*" (DO 2 footnote emphasis added)

The board incorrectly stated that the CO requested another audit 40 days after the initial audit dated January 18, 2011. (DO 2)

The correct timeline is as follows:

January 13, 2011 – Employment and Training Administration (ETA) accepted Form ETA 9089 for processing (AF 136)

January 18, 2011 – ETA selects the application for audit and requests documentation (AF 136)

February 10, 2011 – Employer submits requested audit documentation. (AF 38)

February 28, 2012 – ETA requests another copy of the audit response (AF 36) (emphasis on date)

March 1, 2012 – Employer re-submits documents required by ETA (AF 35) (emphasis on date)

March 23, 2012 – Initial Denial (AF 32)

We respectfully propose that the erroneous information that the board considered on the initial facts of the case is a clear violation of due process. The assumption made by the board at the footnote clearly indicates that this was not a mere typographical error and the board in reviewing this case was operating under the false idea that the employer was given another chance past the 30 days to submit its audit response. Another proof that this is not a mere typographical error is that the board on DO (2) incorrectly stated that the cover letter was dated March 1, 2011. When the cover letter (AF 35) very clearly stated the year to be 2012. This shows that the board's written finding of fact was inaccurate and offends fundamental fairness and procedural due process. With all due respect, as opposed to simple clerical mistakes, such factual errors on the part of BALCA seem to contradict its impartiality. The panel in this case may have made an honest mistake with the date on the second request for the audit response which was Feb 28, 2012. But to continue on to the next document which was very clearly marked as March 1, 2012 (AF 35) and state in the DO that it was March 1, 2011 to fit the preconceived notion that the employer was deficient from the beginning, is the very demonstration of "prejudice". The bias of which was obvious from the board's statements on the footnote. Further demonstration of this is the board's statement that:

"The employer in this case submitted no affidavit as described in the FAQ and no letter or other attestation from any appropriate university official" (DO 7)

This statement is, too, is simply not true. (AF 3, AF 27, AF 38, AF 59) BALCA's impartial assessments must be based on an accurate reading of the facts.

Finally, the board in its ruling and footnote on DO(2) failed to cite that the "note" provided by the CO in the first paragraph also states that when the employer's first audit file received on February 16, 2011 becomes available, it will be provided to BALCA. In fact, nowhere in the DO was this mentioned. This "note" was only made aware to the employer in the appeal file. In fact, there was no mention of the "non-necessity" of a complete appeal file on the cover page of the transmittal letter. The very first page only stated that it will be made available to all parties "when they find it". We find it unfair to assume that our apparent silence was presumed to mean we did not have issues, particularly when the CO twice led us to believe that the appeal file would be supplemented, and it was not. (Transmittal Letter and AF 135) It was also unfair that the panel in this case left out this statement which was mentioned twice as opposed to one sentence mentioned once on a "note" that was not signed, not dated, and does not have an official ETA header. (AF 135) The employer never accused the CO of losing the first audit response and they clearly did not claim so either. (Transmittal Memo) The board in the past has clearly stated and quoted in the finding of facts that the CO will forward the missing appeal file to the board as it becomes available. (BAMM INC 2010-PER-01180 p2) The board has held in the past that the failure to provide a complete and accurate appeal file for review would result in the panel resolving all inferences in favor of the employer. (BAMM

INC 2010-PER-01180 p8) The employer recognizes that the second audit response was identical to the first one that was submitted. However, this suggests favoritism by the panel in this case towards the CO, which is a denial of fundamental fairness and due process.

Because of this reason and in addition to others, the employer petitions the court for an En Banc review with the correct facts of the case considered. We furthermore request equitable remedy by ordering a reversal of denial due to the bias that was lobbied against the employer stemming from the violation of due process.

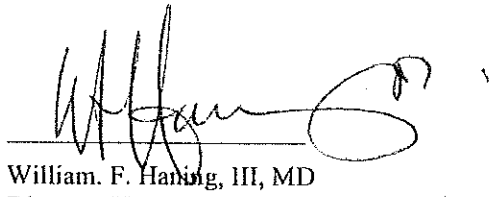
Substance over Form

Finally, the board on DO (3, 4) concedes that the CO did acknowledge the website posting and its contents. The brief for the employer explained that the second reason for denial was a “concession after considering the evidence submitted in response to the audit notification and the request for reconsideration, *that the advertisement was posted*” (emphasis added) (employers brief at page 4)

Fundamental fairness dictates that facts need to be consistent. We find it unreasonable to cite the webpage advertisement as “not acceptable”, then use the same “unacceptable document” as basis for the second reason for denial. The board itself on the DO (3, 4) states as a fact in the second reason for denial that the CO specifically cites the documentation submitted as proof for the webpage posting. One of the employer’s argument against the first reason for denial is predicated on recognizing that the CO agrees that there was a website posting. Applying one evidence against one reason then using the same evidence for another corrupts the conditions on which due process is required. The CO simply cannot have his cake and eat it too.

Conclusion

For these reasons we respectfully petition the court to grant an en banc review of the instant case with accurate facts. We also ask for equitable remedy. It is in our opinion through the reasons presented that an en banc review of the case is very much required to maintain uniformity of the Board’s decisions as well as to address the instances where fundamental fairness and proper due process were absent. Thank you.

A handwritten signature in black ink, appearing to read 'William F. Haning, III', written over a horizontal line.

William F. Haning, III, MD
Director, Undergraduate Medical Education (Director, M.D. Programs)
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534

Cc:

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210
{hard copy – FedEx Overnight}



UNIVERSITY
of HAWAII
MĀNOA

John A. Burns School of Medicine
Office of the Dean

651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

SERVICE SHEET

Case Name: University of Hawaii
Case Number: 2012-PER-02131
Document Title: Petition for En Banc Review by the Board
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on
behalf of Ya-Wen Hsiao, Alien

I hereby certify that a copy of the above-referenced document was sent to the following this 1st day of December, 2016 by FedEx Overnight.

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210
(Hard Copy – FedEx Overnight)

Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002
(Hard Copy – FedEx Overnight)

A handwritten signature in black ink, appearing to read "William F. Haring, III".

William F. Haring, III, MD
Director, Undergraduate Medical Education (Director, M.D. Programs)
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 16 November 2016

BALCA Case No.: 2012-PER-02131
ETA Case No.: A-10344-38244

In the Matter of:

UNIVERSITY OF HAWAII,
Employer,

on behalf of

YA-WEN HSIAO,
Alien.

Certifying Officer: William Carlson, Ph.D.
National Certifying Officer
Atlanta National Processing Center

Appearance: David A.M. Ware, Esquire
Ware Gasparian
Metairie, Louisiana
For the Employer

Before: Colleen A. Geraghty, *District Chief Administrative Law Judge* and
Timothy J. McGrath and Daniel F. Sutton, *Administrative Law Judges*

Opinion for the Board filed by GERAGHTY, *District Chief Administrative Law Judge* with whom
McGRATH and SUTTON, *Administrative Law Judges*, join:

DECISION AND ORDER
AFFIRMING DENIAL OF CERTIFICATION

This matter which arises under Section 212(a)(5)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(a)(5)(A) and the "PERM" labor certification regulations at 20 C.F.R. Part 656¹ is before the Board of Alien Labor Certification Appeals ("the Board") on the Employer's request for review pursuant to 20 C.F.R. § 656.26 of the administrative denial of its

¹ "PERM" is an acronym for the "Program Electronic Review Management" system established by the regulations that went into effect on March 28, 2005. 69 Fed. Reg. 77326 (Dec. 27, 2004).

application for a Permanent Employment Certification. The Board's consideration of the request for review is based on a review of the record upon which the denial of certification was made, the request for review, and any statement of position or legal brief. 20 C.F.R. § 656.27(c). For the reasons set forth below, we affirm the denial of the Employer's Application for Permanent Employment Certification.

BACKGROUND

On January 13, 2011, the Certifying Officer ("CO") accepted for filing the Employer's *Application for Permanent Employment Certification* ("Form 9089") sponsoring the Alien for permanent employment in the United States as an "Information Technology Specialist (Educational Technology Specialist)" in Honolulu, Hawaii at the offered annual wage of \$57,194.00. (AF 140-151).² The occupational title listed on the Employer's Form 9089, Section F-3 was "Computer Software Engineers, Applications, Non," Standard Occupational Classification Code 15-1034.00. (AF 141). The Employer attested that the job of Information Technology Specialist is a professional occupation; that the minimum education requirement is a Bachelor's degree in Management Information Systems, and that no experience in the job is required. (AF 141-143). The Employer further attested that it would accept a Bachelor's degree in Information Systems, Computer Science, Project Management or Electrical Engineering but that there is no alternate combination of education and experience that is acceptable. (AF 142).

On January 18, 2011, the CO issued an *Audit Notification* which directed the Employer to submit documentation supporting the attestations made in the Form 9089 including recruitment documentation as described in 20 C.F.R. § 656.17. (AF 136-139). The Employer submitted the requested audit information on February 16, 2011. (AF 136). The CO then issued a second *Audit Notification* letter on February 28, 2011. (AF 132-133). In this letter, the CO requested the Employer to "[p]rovide a copy of the complete, original response as submitted on February 16, 2011. Copies may be used if original documents (tear sheets, PWD, etc.) were sent with the prior submission." (AF 133).³ As requested, the Employer resubmitted its audit response under cover letter dated March 1, 2011. (AF 35-131).

The CO denied certification of the Employer's application on two grounds in a letter dated March 23, 2012. (AF 32-34). In Denial Reason #1, the CO stated the Employer had failed to provide adequate documentation of the additional recruitment steps required for professional

² Citations to the Appeal File are abbreviated as "AF" followed by the page number.

³ The Employer's audit response that was filed with the CO on February 16, 2011 is not included in the Appeal File that was transmitted to the Board by the CO, apparently because it is no longer available for reasons that are not clear from the record. The CO included the following statement in the AF:

It is noted the employer's response to audit received by the Department of Labor's Office of Foreign Labor Certification on 02/16/2011 is not necessary to render an accurate determination on the employer's request for reconsideration as outlined in the Transmittal Letter.

(AF 136). The Employer has not raised any issue on appeal regarding the absence of its February 16, 2011 audit response, presumably as it was subsequently provided an opportunity to resubmit the response.

occupations as requested in the *Audit Notification* letter. (AF 33). The CO noted that the Employer indicated in the Form 9089 that it used its web site to advertise the job opportunity and that it had "provided a document which looks to be a word document that is title[d], "Work at UH Advertisement." (AF 33).⁴ The CO stated that "[t]he document does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website." (AF 33). The CO concluded that the Employer had failed to provide dated copies of the pages from the site that advertised the job opportunity and that denial of its application was authorized by 20 C.F.R. § 656.17(e)(1)(ii)(B) which states that "[t]he use of the employer's web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." (AF 33). As Denial Reason #2, the CO stated that the documentation submitted as proof of the Employer's website advertising "offers terms and conditions of employment that are less favorable than those offered to the foreign worker. Specifically, the advertisement contains a wage of \$3,684 per month, \$44,220.80 per year which is lower than the offered wage, \$57,194.00 per year listed in section G.1 on the ETA Form 9089." (AF 33). The CO concluded that denial was authorized by 20 C.F.R. § 656.17(f)(7) which provides that advertisements placed in newspapers of general circulation or in professional journals must "not contain wages or terms and conditions of employment that are less favorable than those offered to the alien." (AF 33).

On April 19, 2012, the Employer filed a request for reconsideration with the CO. (AF 3-31). In response to Denial Reason #1, the Employer stated,

As a matter of University of Hawaii (UH) policy, every position being recruited is advertised on our Work at UH website (workatuh.hawaii.edu). Attached is a printout of the advertisement from the Work at UH website which contains the URL and print date of August 3, 2010 as proof that this ad was indeed posted on the University's website during the period stated in the ETA Form 9089. This particular printout was not previously provided by the UH John A. Burns School of Medicine, which conducted the recruitment, to the Office of Faculty and Scholar Immigration Services (FSIS), which handled the filing of the PERM application. Thus, only the printout of the ad without the URL and print date (due to printer settings) was available to FSIS at the time of the audit response.

(AF 3). With regard to Denial Reason #2, the Employer requested reconsideration, asserting that §656.17(f)(7), which the CO cited, only applies to "advertisements placed in newspapers of general circulation or in professional journals" and not to website advertisements. (AF 3). The Employer further contended,

Even if Sec. 656.17(f)(7) can be applied to advertisements under 656.17(e)(1)(ii), the University clearly indicated in the ad that the salary included in the Work at UH advertisement was a "minimum" amount. Any applicant would have been

⁴ The document referred to by the CO is found at pages 77-80 of the Appeal File. It bears the heading, "Work at UH Advertisement" and contains a "Date Posted: August 02, 2010" and a "Closing Date: September 04, 2010." (AF 77). The document is otherwise not dated, nor does it appear, as the CO pointed out, to be a copy of an advertisement printed from a website.

immediately apprised of this fact upon even a cursory glance at the ad. Since it was specified that this salary was the starting point from which a successful applicant could negotiate, the University was not attempting to offer the foreign national a more favorable wage than it would to an equally or better qualified [. . .] applicant.

(AF 4). The Employer added that,

IT Specialist positions are classified as Administrative, Professional, and Technical (APT) positions, which are covered by a collective bargaining agreement that contains salary schedules. At the time of the original posting of the position, all University APT positions were advertised on the Work at UH job posting website stating only the minimum salary per the collective bargaining agreement between the University of Hawaii and the Hawaii Government Employees Association (HGEA). The IT Specialist position described in the ETA Form 9089 is a Pay Band B position with a possible salary range from \$42,492 per year through \$107,748 per year.

(AF 4). The Employer stated that the “details of the salary ranges are available to the public on the University Office of Human Resources website for the APT Broadband System and in an “Information Technology Point Conversion Worksheet” also available on the website. (AF 4).

In a letter dated April 30, 2012, the CO notified the Employer it had not overcome the deficiencies cited in the initial determination. (AF 1-2). Specifically, the CO determined that the printout containing the URL and the print date that the Employer submitted with its request for reconsideration were barred by 20 C.F.R. §§ 656.24(g)(2) because the Employer had the opportunity to submit adequate proof of the website advertisement with its audit response and failed to do so. (AF 1). The CO thus concluded that “[s]ince the employer failed to provide adequate proof of the advertisement on the employer’s website in response to the audit letter,” denial was valid in accordance with 20 C.F.R. § 656.17(e)(1)(ii)(B). The CO also concluded that Denial Reason #2 remained valid despite the Employer’s arguments in support of reconsideration:

However, the employer’s website is one part of the recruitment effort used by the employer to test the labor market and must therefore contain the same information required of advertisements set forth in Departmental regulations at 20 CFR § 656.17(f). Additionally, the advertisements must not contain wages and terms and conditions of employment that are less favorable than those offered to the foreign worker in accordance with Departmental regulations at 20 CFR § 656.17(f)(7).

Since the advertisement on the Employer’s website contained a wage less than the offered wage as listed on the ETA Form 9089, the CO determined that Denial Reason #2 was valid pursuant to 20 C.F.R. § 656.17(f)(7). (AF 1-2).

After denying the Employer’s request for reconsideration, the CO forwarded the case to the Board. In response to the Board’s notice of docketing, the Employer filed a statement

confirming its intention to proceed with the appeal. The Employer also filed a brief ("Emp. Br.") with the Board. On August 4, 2016, the Board issued an *Order Requiring Certification on Mootness*. The Employer responded by letter dated August 17, 2016 which certified that the job is still open and available and that the Alien is still ready, willing, and able to fill the position. The CO did not file an appellate brief.

STANDARD OF REVIEW

The Board's review of the CO's legal and factual determinations when denying an application for permanent alien labor certification is *de novo*, limited in scope by 20 C.F.R. § 656.27(c). *Albert Einstein Medical Center*, 2009-PER-00379 (Nov. 21, 2011) (*en banc*), slip op. at 32. Thus, the Board engages in *de novo* review of the record upon which the CO denied permanent alien labor certification, together with the request for review, and any statements of position or legal briefs. *Id.* at 25. The Board may not consider evidence first presented in an appellate brief. *Id.* at 7. The Board permits general legal argument in briefs, but will not consider wholly new arguments not made before the CO. *Id.* at 8. The Board will not decide an appeal on grounds for denial not raised while the case was before the CO. *Loews Anatole Hotel*, 1989-INA-00230 (Apr. 26, 1991) (*en banc*); *Mandy Donuts Corp.*, 2009-PER-00481 (Jan. 7, 2011).

DISCUSSION

The permanent labor certification process is the first step an employer must complete in order to sponsor certain foreign workers for lawful permanent resident status.⁵ 8 U.S.C. § 1182(a). The labor certification represents the Secretary of Labor's certification that there are no able, willing, qualified, and available U.S. workers for the position the alien seeks to perform on a permanent basis.⁶ 8 U.S.C. § 1182(a)(5)(A)(i)(I). PERM is an attestation-based program. 20 C.F.R. § 656.10(c). Among other attestations, an employer must attest that the job opportunity listed in the application for permanent employment certification has been and is clearly open to any U.S. worker. 20 C.F.R. § 656.10(c)(8). Accordingly, the regulations require an employer to conduct mandatory recruitment steps and make a good-faith effort to recruit U.S. workers prior to filing an application for permanent alien labor certification. *See* 20 C.F.R. § 656.17(e); *Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System*, 69 Fed. Reg. 77326, 77348 (Dec. 27, 2004). If the employer's recruitment efforts do not yield any able, willing, qualified, and available U.S. workers, the employer may file an application on Form 9089. *See, e.g.*, 20 C.F.R. § 656.17(a). An employer sponsoring a foreign worker for permanent labor certification bears the burden of proving that all regulatory requirements have been satisfied before the CO can grant certification. 8 U.S.C. § 1361; 20 C.F.R. § 656.2(b).

⁵ Lawful permanent resident status is commonly referred to as having a green card. Among the benefits afforded to lawful permanent residents is the opportunity to apply for naturalization. 8 U.S.C. § 1427(a).

⁶ The labor certification also represents the Secretary of Labor's certification that the permanent employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. § 1182(a)(5)(A)(i)(II).

Where, as in this case, an employer sponsors an alien worker for a job opportunity classified as a professional occupation, the employer must conduct additional recruitment steps, one of which is use of the employer's website. 20 C.F.R. § 656.17(e)(1)(ii)(B). Section 656.17(e)(1)(ii)(B) provides that "[t]he use of the employer's Web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." An employer seeking permanent labor certification must also be prepared to submit required documentation of those steps in the event of an audit. *Peritus Inc.*, 2012-PER-01227 (Apr. 30, 2013), *see also* 20 C.F.R. §§ 656.10(f) (requirement that supporting documentation be retained for five years from the filing date) and 656.17(a)(3) (requirement that employer produce required documentation in the event of an audit).

The CO denied certification because the Employer did not submit a dated copy of the advertisement from its website, and he refused to consider the dated copies that the Employer submitted with its request for reconsideration. In *Kyyba Inc.*, 2012-PER-01465 (Aug. 30, 2016), another Board panel recently affirmed the CO's denial of certification and refusal to accept documentation that was not provided in the audit response under identical circumstances. *See also Nippon Travel Agency Micronesia, Inc.*, 2012-PER-00125 (Apr. 14, 2012); *DGN Technologies, Inc.*, 2011-PER-02869 (Mar. 26, 2013). We fully agree with this precedent and conclude that since the Employer admittedly failed to submit acceptable proof of its website recruitment in response to the CO's *Audit Notification*, denial of certification pursuant to 20 C.F.R. § 656.17(e)(1)(ii)(B) is warranted. We also conclude that the CO properly refused to accept the Employer's proof that was offered for the first time with its request for reconsideration because the Employer had the opportunity, and indeed the responsibility, to submit this evidence with its audit response. 20 C.F.R. § 656.24(g)(2)(i)-(ii).

In concluding that affirmance of the CO's Denial Reason #1 is warranted, we have considered but are unpersuaded by the Employer's arguments on appeal that the proof of website advertising that it submitted with its audit response complied with the requirements of § 656.17(e)(1)(ii)(B) based on the Board's decision in *EZCHIP, Inc.*, 2010-PER-00120 (Jan. 12, 2011) and that the evidence submitted with its request for reconsideration is properly before the Board because it was considered by the CO and is, thus, part of the record. Emp. Br. at 3-5. The Employer's reliance on *EZCHIP* is unavailing. In *EZCHIP*, the Board panel stated,

The regulations do not preclude an employer from providing documentation of the advertisement posted on its website in a manner other than by submitting dated printouts of the website advertisement, and the Office of Foreign Labor Certification ("OFLC") website notes that the CO may find documentation adequate even if the Employer cannot provide the dated copies of the advertisement from the website. The OFLC website includes a response to a Frequently Asked Question ("FAQ") stating that if an employer does not have a copy of the posting from its website, "the employer may provide an affidavit from the official within the employer's organization responsible for the posting of such occupations on the website attesting, under penalty of perjury, to

the posting of the job.” However, the FAQ states that such a submission does not guarantee that the CO will find such a submission to be adequate documentation of the posting on the website.

Slip op. at 4 (footnotes omitted). We concur with this analysis. However, in *EZCHIP*, the documentation submitted by the employer with its audit response (1) included a letter from the Employer’s Vice President of Worldwide Sales, certifying that he posted the job opportunity on the website from May 29, 2007, to July 19, 2007, (2) and a five-page document dated September 24, 2007, showing a listing of open positions for the Employer’s organization, and showing the Employer’s website address at the bottom of each page. *Id.* The Employer in this case submitted no affidavit as described in the FAQ and no letter or other attestation from any appropriate university official. More importantly, the Employer seems to have overlooked the panel’s ultimate holding in *EZCHIP*:

Because the five page job announcement document showed the date of posting as September 24, 2009 — as opposed to a date between May 29 and July 19, 2007 — it did not by itself comply with the regulatory requirement of documentation through dated copies of the website posting. Thus, the Employer needed some other proof of the dates of the posting. The statement of the Vice President of Worldwide Sales, included with the audit response, did not indicate that the Vice President was the official within the Employer’s organization responsible for the posting of such occupations on the website. Thus, the audit response documentation did not establish the dates of posting in the affidavit format specified by the OFLC FAQ. Moreover, we note that the affidavit was dated October 10, 2007, almost three months after the dates that the posting assertedly was made.

Website pages are often ephemeral. Thus, retention of reliable contemporaneous documentation of the status of a web page on the dates attested to in the Form 9089 is essential for an employer to be able to meet the PERM documentation requirement of dated copies of company website postings. In the instant case, the Employer failed to document the website advertisement through the method specified under the regulation, the alternate method articulated in the FAQ response, or any other adequately credible documentation. Although the Vice President’s letter may constitute a form of documentation, it did not provide enough information for the CO to determine that the Vice President of Worldwide Sales personally posted the job opportunity on the Employer’s website. *See PSI Family Services, Inc.*, 2010-PER-97 (Apr. 16, 2010); *Living Earth Landscape Design, LLC*, 2009-PER-480 (Apr. 15, 2010).

Id. at 4-5 (footnotes omitted). Consequently, the panel affirmed the CO’s denial of certification for noncompliance with the proof requirements of § 656.17(e)(1)(ii)(B). *Id.* at 6. Therefore, rather than supporting the Employer’s position, *EZCHIP* confirms that the CO correctly determined that the undated, unverified documentation submitted with the audit response, which was clearly inferior to the proof submitted in *EZCHIP*, failed to comply with the requirements of

§ 656.17(e)(1)(ii)(B). We also reject as totally at odds with the record the Employer's claim that the CO considered the documentation offered with the request for reconsideration, thus placing it before the Board. That is, the record unambiguously demonstrates that the CO refused to consider the Employer's new evidence pursuant to 20 C.F.R. §§ 656.24(g)(2) because he determined that the Employer had the opportunity to submit adequate proof of the website advertisement with its audit response and failed to do so. (AF 1).

Since the CO did not err in denying certification pursuant to 20 C.F.R. § 656.17(e)(1)(ii)(B), we affirm.⁷

ORDER

IT IS ORDERED that the denial of labor certification in this matter is hereby **AFFIRMED**.

SO ORDERED.

For the panel:



Digitally signed by Colleen Geraghty
DN: CN=Colleen Geraghty,
OU=Administrative Law Judge, O=US
DOL Office of Administrative Law
Judges, L=Boston, S=MA, C=US
Location: Boston MA

COLLEEN A. GERAGHTY
Administrative Law Judge

⁷ In view of our determination to affirm denial of certification for noncompliance with § 656.17(e)(1)(ii)(B), we find it unnecessary to address the CO's second denial reason.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within twenty days from the date of service a party petitions for en banc review by the Board. Such review is not favored and ordinarily will not be granted except (1) when en banc consideration is necessary to secure or maintain uniformity of the Board's decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

**Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002**

Copies of the petition must also be served on other parties and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting en banc review with supporting authority, if any, and shall not exceed ten double-spaced pages. Responses, if any, shall be filed within ten days of service of the petition, and shall not exceed ten double-spaced pages. Upon the granting of a petition the Board may order briefs.

SERVICE SHEET

Case Name: In_re_UNIVERSITY_OF_HAWAII_

Case Number: 2012PER02131

Document Title: **DECISION AND ORDER AFFIRMING DENIAL OF CERTIFICATION**

I hereby certify that a copy of the above-referenced document was sent to the following this 16th day of November, 2016:



Digitally signed by Kristian Hinojosa
DN: CN=Kristian Hinojosa, OU=Legal
Assistant, O=US DOL Office of
Administrative Law Judges, L=Boston,
S=MA, C=US
Location: Boston MA

Kristian Hinojosa
Legal Assistant

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303
{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210
{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815
{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822
{Hard Copy - Regular Mail}

David A. M. Ware, Esq.
Ware/Gasparian
3850 N. Causeway Blvd.
Suite 555
METAIRIE LA 70002
{Hard Copy - Regular Mail}

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 29 March 2017

BALCA Case No: 2012-PER-02131
ETA Case No: A-10344-38244

In the Matter of:

RECEIVED MAR 22 2018

UNIVERSITY OF HAWAII,
Employer,

on behalf of,

HSIAO, YA-WEN,
Alien.

ORDER DENYING PETITION FOR EN BANC REVIEW

On November 16, 2016, a three-member panel of the Board of Alien Labor Certification Appeals issued a decision and order affirming the Certifying Officer's denial of certification in the above-captioned permanent labor certification matter. The Employer timely filed a petition for en banc review. Upon consideration of the arguments presented in the Employer's petition, the Board finds that en banc review is not necessary to secure or maintain uniformity of decisions or to resolve a question of exceptional importance. Accordingly, the Employer's petition for en banc review is hereby **DENIED**.

Entered at the direction of the Board by:



Digitally signed by TODD R. SMYTH
DN: CN=TODD R. SMYTH, OU=LEGAL
COUNSEL, O=US DOL Office of
Administrative Law Judges,
L=Washington, S=DC, C=US
Location: Washington DC

Todd R. Smyth
Secretary to the Board

SERVICE SHEET

Case Name: In_re_UNIVERSITY_OF_HAWAII_

Case Number: **2012PER02131**

Document Title: **ORDER DENYING EN BANC REVIEW**

I hereby certify that a copy of the above-referenced document was sent to the following this 29th day of March, 2017:



Digitally signed by Carla Thomas
DN: CN=Carla Thomas, OU=Paralegal,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

Carla Thomas
Paralegal

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303
{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210
{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210
{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815
{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822
{Hard Copy - Regular Mail}

David A. M. Ware, Esq.
Ware/Gasparian
3850 N. Causeway Blvd.
Suite 555
METAIRIE LA 70002
{Hard Copy - Regular Mail}



UNIVERSITY
of HAWAII
MĀNOA

John A. Burns School of Medicine
Office of the Dean

Office of Medical Education
651 Ilalo Street, Medical Education Building, Room 307
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

July 14, 2017

The Most Honorable Chief Judge Stephen Henley
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002

RE: Pro Se Motion for Relief from Judgement and Order and Personal letter from alien beneficiary
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

US DEPT OF LABOR
ADMINISTRATIVE LAW JUDGES
WASHINGTON, DC

Dear Sir/Madam,

Enclosed please find the Pro Se Motion for Relief from Judgement and Order and Personal Letter from Alien beneficiary in connection with the above-referenced case. Please contact me if you require any additional information.

A handwritten signature in black ink, appearing to read "William F. Haning, III, MD".

William F. Haning, III, MD
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534



UNIVERSITY
of HAWAII
MĀNOA

John A. Burns School of Medicine
Office of the Dean

Office of Medical Education
651 Ilalo Street, Medical Education Building, Room 307
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

SERVICE SHEET

Case Name: University of Hawaii
Case Number: 2012-PER-02131
Document Title: Pro Se Motion for Relief from Judgement and Order and Personal Letter
from Alien beneficiary
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on
behalf of Ya-Wen Hsiao, Alien

I hereby certify that a copy of the above-referenced document was sent to the following this 14th day of July, 2017 by FedEx Overnight.

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210
(Hard Copy – FedEx Overnight)

Most Honorable Chief Judge Stephen Henley
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002
(Hard Copy – FedEx Overnight)

A handwritten signature in black ink, appearing to read 'William F. Haning, III, MD', with a large circular flourish at the end.

William F. Haning, III, MD
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534



UNIVERSITY
of HAWAII
MĀNOA

John A. Burns School of Medicine
Office of the Dean
Office of Medical Education

651 Ilalo Street, Medical Education Building, Room 307
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

Department of Labor
Board of Alien Labor Certification Appeals

The Most Honorable Judge Stephen Henley
Chief Administrative Law Judge and Chair of the Board of Alien Labor Certification Appeals

BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244

July 14, 2017

In the Matter of Permanent Labor Certification Application of

University of Hawaii

On Behalf of

Ya-Wen Hsiao

Pro Se Motion for Relief from Judgement and Order

We respectfully petition and request a motion for relief under Rule 60(b) of the Federal Rules of Civil Procedure to the Chief Administrative Law Judge, the most honorable Judge Henley for relief from the Decision and Order for the instant case dated November 16, 2016 and the Order Denying Petition for En Banc Review dated March 29, 2017.

Background

On November 16, 2016, a three-member panel of the BALCA issued a Decision and Order on the instant case. The employer filed a timely petition for En Banc review of the Decision and a motion for equitable relief. On March 29, 2017, the BALCA issued an order denying the petition for review but did not address the motion that was requested for in the petition. There were also no named judges on the order as was the standard procedures in past cases when an En Banc review petition was being adjudicated. (Exhibit A) The order appeared to be a "boiler plate" response. On April 5, 2017, the alien Ms. Hsiao called the OALJ office to request the names of the judges who were in the En Banc panel and was told that there were no judges involved. On April 17, 2017, the employer called the office to verify this statement and was given the same information. Ms. Hsiao and the employer, surprised at the answer then initiated a Freedom of Information Act Request to the OALJ to gather more information as to the procedures that were

2017 JUL 17 PM 11:30
US DEPT OF LABOR
ADMIN LAW JUDGES
WASHINGTON, DC

used. In the process of the documents being released, it was evident that the chances for successful granting of En Banc review has dramatically changed. The responsive documentation also showed that there were only two responses from the call to vote from the Deputy Secretary. There was no evidence through the responsive documents released to the alien that any member of the En Banc panel considered or voted on the motion that the employer requested. The employer through a letter from Associate Chief Judge for Immigration, Judge Almanza also discovered that the En Banc procedures which were adopted on January 7, 2015 were never published. (Exhibit A) The final release of the FOIA documents were received on July 3, 2017.

Discussion

The board in Benish Corporation, 2011-PER-00510 (October 18, 2012) stated that because BALCA's rules of practice and procedure does not contain a provision on motions to reopen a case, it looks to the The Federal Rules of Civil Procedure for guidance. The Federal Rules of Civil Procedure Rule 60 states:

(b) GROUND FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

...

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

The rules on timing states that the motion for relief under Rule 60 must be made within a year of the order and as such, this motion is timely filed. The employer presents the following reasons why the employer believes that the prior orders should be vacated and relief from those orders be granted to the employer.

Rule 60(b)(1) and 60(b)(6) – Mistake, Inadvertence, Surprise, or excusable neglect; any other reason that justifies relief

A) Substantive En Banc Procedures were never published; the employer was not aware of rules that directly would have changed the legal strategy in appealing the instant case.

The Employer was not aware of the procedural changes in the En Banc process that was used by the board. This is significant because if the employer knew that the possibility of En Banc review has dramatically changed, the whole strategy of how to proceed with the appeals would have been different. In particular, the employer would have considered to initially request a motion for reconsideration within ten days of the original three judge panel order (80 Federal Register 28767, 29 CFR 18.93). It is an absolute surprise that the En Banc Procedures have changed, and there was no way that the employer would have known about this because all prior cases after

the procedural changes has not listed the judges involved. The only conceivable way for the employer to “deduce” the current process was to sift through the OALJ website and read the prior En Banc Decisions. Even so, this would have not been possible because there had been no En Banc review granted since the new En Banc procedures were adopted. This is in addition to the fact that these procedures were not published anywhere and the employer only found out from doing a FOIA request. As well as confirmation of this from Judge Almanza’s letter.

- B) The nine judge panel made a mistake in not considering and ruling on the motion that was clearly articulated in the Petition for En Banc review

The En Banc panel’s lack of discussion, consideration and ruling for the motion that was clearly stated in the En Banc petition was a mistake. (Exhibit B – documenting only two votes without any consideration or opinion from anyone on the panel with regards to the equitable relief asked.) Prior to the procedures that was adopted in January of 2015, the five judge panels in the past have addressed other motions or issues that were presented. It was clear from these other cases and that the arguments and distinct facts and situations of those cases were considered in the respective employer’s En Banc Petitions

Benish Corporation, 2011-PER-00510 (October 18, 2012) – Discussing at length whether FRCP rule 60 applies to the issues at hand. En Banc petition also asked for equitable relief and the panel addressed this.

Amazon Global Resources, 2011-PER-02476 (May 13, 2013) - Noting and discussing employer’s assertion that it was not given an opportunity to present a brief

PJ Clarke’s on the Hudson, 2010-PER-00064 (April 5, 2011) – Noting that the counsel for the employer misstated the legal requirements for notice under 20 CFR 656.10 (d)

The employer at this point have no way of knowing Mr. Harry Shienfeld’s recommendation because it was redacted, but as for the two judges that voted, there was no indication that the motion in the petition was voted on or discussed.

- C) The threshold for En Banc review being necessary to secure or maintain uniformity of the Board’s decisions has been met as described and pointed out in the petition for En Banc.

The Denial for En Banc review did not address or explain why the instant case is distinguishable from IBM Corporation, 2011-PER-01264 (August 23, 2012). The facts of the case are point for point identical. The indistinguishable nature of these two cases is the quintessential demonstration of “en banc consideration is necessary to secure or maintain uniformity of the Board’s decisions” Again, there was no indication of consideration or discussion of this in the records that were released.

- D) The original decision and order had factual and adjudicative errors which were clearly not typographical errors.

- i) The original decision and order dated November 16, 2016 stated material and adjudicative facts wrong. The panel incorrectly stated that a second audit notification was requested on February 18, 2011. The statement of facts also stated that the employer replied on March 1, 2011. Due process demands correct and undisputable finding of facts. The footnote on page two of the order shows that the panel was clearly operating on the assumption that the Certifying Officer gave the employer another chance to comply with the second audit request. Attached is Exhibit C which demonstrates that the employer actually followed up with ETA well over a year after the initial audit request then the ETA requesting another copy of the complete audit response as opposed to what the original panel stated. Appeal File (AF 35) and (AF 36) will also prove that the dates were a mistake, as well as AF 131 which is the mailing envelope with the postmarked date of March 5, 2012.
- ii) On the decision and order, that panel stated that “the record *unambiguously* demonstrates that the CO refused to consider the Employer’s new evidence”

We strongly disagree. On the final determination, the CO stated “Since the advertisement on the employer’s website contained a wage less than the offered wage as listed on the the ETA Form 9089, the certifying officer has determined this reason for denial as valid in accordance with Departmental Regulations at 20 CFR 656.17(f)(7)”

It is logically fallacious and intellectually dishonest to state that there was no website posting because the employer cannot prove it, reject the evidence, then say the employer posted something wrong on its website. Using the first reason for denial as a basis for the second reason by the CO is the very antithesis of unambiguous.

Rule 60(b)(5) - the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable;

- A) In CB & I, 2015-PER-000005 (December 30, 2016), the very same panel reversed a denial of certification which by if that standard of deliberation that was applied, should have reversed the instant case. The panel accepted not only a statement that was not in existence during the time of application, it was just the body of the advertisement from “Career Builder” pointing to their internal website. By the same analysis, the instant case has Ms. Signe Nakayama signing form 9089, the Notice of Filing and other documents, and Dr. Damon Sakai attesting to the posting in the recruitment report in addition to the campus placement ad that has the body of the website advertisement that has a direct link to the original posting and the newspaper ad directing applicants to the website. Applying the denial prospectively to this case is clearly not equitable. It is not point for point indistinguishable, because there is even more evidence in the record for the instant case that shows that there was a website posting, but the standard applied to the reversal in CB & I was clearly lower than the instant case.

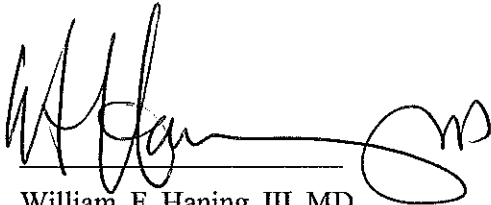
Relief sought

The employer would like to respectfully petition the Chief Judge to vacate both orders and to assign the instant case to a different panel to review the case with a new review and impartial view.

It would not be equitable to request this motion to the nine judge panel because the employer believes that the rules were changed without notice on a such a substantive procedure that it would be clearly unfair to request this relief from that panel. This was also the reason for addressing this motion for relief to the Chief Judge as opposed to the nine-judge panel.

It would also be untenable in the employers' opinion, to return the instant case to the original panel because as stated in the Employer's En Banc petition, apart from the factual and adjudicative errors, with evidence, the employer has demonstrated that the original panel has shown favoritism towards the certifying officer in the instant case. This in addition to the complete appellate procedures being inconsistent from past procedures.

We respectfully ask these in the interest of justice or in the alternative, a just and fair solution to the issues presented. Thank you.

A handwritten signature in black ink, appearing to read 'William F. Haning, III', followed by a large, stylized circular flourish.

William. F. Haning, III, MD
Professor and Program Director, Addiction Psychiatry/Addiction Medicine

John A. Burns School of Medicine
University of Hawai'i
651 Ilalo Street, Medical Education Building
Honolulu, Hawai'i 96813-5534

Cc:

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210
{hard copy – FedEx Overnight}

July 14, 2017

The Most Honorable Judge Stephen Henley

Chief Administrative Law Judge and Chair of the Board of Alien Labor Certification Appeals

Aloha,

My name is Ya-Wen Hsiao and my friends and colleagues call me Sarah. I moved to this country, particularly to Hawaii in 2003. I met the love of my life the second day I arrived here and from that day on, I had no doubt I was “home”. I earned my Master Degree in Information Systems and was blessed with the opportunity to work for University of Hawaii. It has been 14 years since I have built a life here. Hawaii is what I consider my home, 14 years in any place will make you fall in love with the people and the place. If you have been to Hawaii and felt how special the “Aloha spirit” is, you will understand what I mean.

In 2011, an opportunity came up for me to serve John A. Burns School of Medicine as an Educational Technology Specialist. I took this opportunity in to be able to file for the PERM process, but on the other hand, the labor union rules do not allow us to do a “labor market test”, this means, I had to quit my then current position and re-apply as a regular applicant at the risk of not being the chosen candidate and losing everything. I took that risk and went through the bona fide recruitment process as demanded by the policies of the labor union and the university.

The following events that followed has been, in my opinion, a series of mistakes and injustices that continues to frustrate, confuse and sadden me to this day. First, the CO essentially loses our audit response, in which the original panel basically dismissed by stating significant dates and adjudicative facts wrong. Second, the panel allowed a denial reason to be used as sword on one hand and a shield on another. There is absolutely no sense in saying “there is no proof of a website posting” on the first denial reason, then saying “you posted something wrong on your website” on another. This is like a prosecutor having evidence thrown out, then using the same evidence to convict someone. After the denial of En Banc review, my employer and I deemed it so unlikely that our arguments were not on point that we called the office and was given erroneous information. Not only did we find a case that was point for point indistinguishable compared to our case, we also pointed out due process issues on the consideration of facts. On getting more information from my FOIA request, we then find out that the En Banc review rules have been changed so dramatically that it was essentially impossible to get an En Banc review approved and there was absolutely no evidence that any judge considered our motions that was in the petition for En Banc review. There were 2 judges that voted, not even enough for a “quorum” based on the old procedure of 5 judges, and one judge decided on voting to deny it in less than 20 minutes from the sending of the request to vote. Additionally, our motion was ignored and was not addressed at all.

Your honor, I introduced myself, described my history and attached pictures (on page 3) of me and my husband to let you know that I do not expect to have special treatment if the rules are fair and to put a face to this. I have no problems with following the rules, I have waited for more than 7 years over adjudicating this case. We have gone through the reconsideration and motions, but these motions would all be moot if the people who are expected to impartially consider the facts and situations of the case, ignore it. We live


in a civil society and you and your colleagues, as judges, are the pillars of that. Going through five miscarriages and my husband now battling stage 4 terminal cancer and currently on my sixth pregnancy, I know and accept that life is never fair. What I refuse to accept is that the court system carries that injustice. It is in your office that justice is meant to be served, it is your office and the judges in it that ensures that the system is fair. It is the judges that enforces that intellectual honesty and justice is served. That the rule of law is upheld fairly.

I implore you and your office to consider the motion that my employer has filed. I plead with you to read the facts of the case as outlined in our petition for En Banc review. I write this letter, not to ask for pity, as I have said, I have accepted that life is not fair. What I do want to impress upon you and your office is that I am more than a number, I am more than a case file. Behind the 200 or so pages of the record and Appeal File is a hopeful mother, a grieving wife and a caregiver who fights a terrible disease together with her husband every day. I do not demand to deserve an outright reversal. Right from the beginning, all we wanted was a fair and honest hearing of our case. At the very least, my future, my unborn child's future and the life of my husband which depends on this deserves more than "silence". At the very least, this case deserves more than 20 minutes of consideration. Judges are human beings too, and so I appeal to your humanity and honor to recognize that the decision that you or your colleagues impose impacts us much more than the word "denied". I do not yet know what I would do if this was not successful, the implications of this case is of such an incomprehensible magnitude that my mind still cannot grasp it. My current working visa status expires in less than two months and we are in limbo right now.

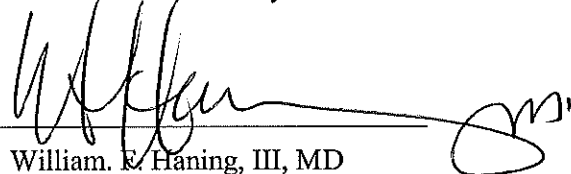
I apologize from the bottom of my heart if this letter does not rise to the professionalism or legal intellectual level that you are used to. I am just a lay person trying my best to understand the legalities of this with the support of my employer. We have tried to ask many lawyers and every single one would not meet us because they would not believe our story, I pray that with the record in front of you, that you will.

With warm Aloha

Ya-Wen Hsiao

 07/14/17

Joined and endorsed by


William E. Haning, III, MD



Baby ultrasound at 18 weeks



Husband at treatment for cancer

Exhibit A

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



JUN 9 6 2017

Ms. Yawen Hsiao
651 Ilalo St., MEB 307
Honolulu, HI 96813

Subject: BALCA En Banc Voting Procedures

Dear Ms. Hsiao:

Thank you for your email inquiry to Todd R. Smyth on June 5, 2017. Mr. Smyth has brought it to my attention as I am the Associate Chief Administrative Law Judge ("ALJ") who currently manages the operations of the Board of Alien Labor Certification Appeals ("BALCA" or "Board") under the direction of the Chief ALJ, Stephen R. Henley. Your email indicates that in a telephone call, our receptionist gave you incorrect information about the Board's process for reviewing petitions for en banc review. Please accept my apology on behalf of the Board for this error.

Under the en banc procedure used by the Board at the time of receipt of the petition for en banc review in *University of Hawai'i*, 2012-PER-02131, when the Board received a petition for en banc review, the Board's paralegal, Carla Thomas, used an online application to randomly select eight BALCA ALJs to consider the petition. The Chief ALJ, as Chair of BALCA, reviewed all en banc petitions. Thus, there was a nine ALJ panel who considered the petition. As you can see from the documents sent to you with the FOIA response, the ALJs who considered the petition in *University of Hawai'i*, 2012-PER-02131, were Chief ALJ Henley, District Chief ALJ Geraghty, and ALJs Price, Barto, Kennington, Romero, Calianos, Rosen and Rosenow. Under the voting procedure, the petition would be automatically denied at the end of the voting period unless a majority of the en banc panel voted to grant the petition. In the *University of Hawai'i* matter, no ALJs voted to grant en banc review. The Order Denying En Banc Review was issued by Mr. Smyth as the Secretary to the Board. Mr. Smyth's role in issuing the Order, however, was ministerial; he played no part in deciding whether to grant or deny the petition.

You are correct that the Board's procedure for considering en banc petitions has changed over the years, and that at one time, only five ALJs considered en banc petitions and a vote sheet was used to record a "yes" or "no" vote. You are also correct that the Board's internal procedures for voting on en banc petitions are not published.

I again apologize for the incorrect information you were given by our receptionist. I will address this matter with her so that a similar incident does not happen again.

Ms. Yawen Hsaio
Subject: BALCA En Banc Voting Procedures
Page 2

Additionally, I would like to note that the Order Denying En Banc Review in your case did not list the ALJs who reviewed the petition. The Board's staff has been directed to list the reviewing ALJs in such documents in the future.

As to the other parts of your email to Mr. Smyth about the continuation of your FOIA request, I will defer to the FOIA officers for a response.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Almanza", with a long, sweeping horizontal stroke extending to the right.

Paul R. Almanza
Associate Chief Administrative Law Judge for
Longshore and Immigration

Exhibit B

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



June 30, 2017

Ya-Wen Hsiao
651 Illalo St., MEB 307
Honolulu, HI 96813

Subject: FOIA No. F2017-830108
Final Release of Responsive Documents

Dear Ms. Hsiao,

This is the final release of documents in response to your Freedom of Information Act (FOIA) request, received by the Office of Administrative Law Judges (OALJ) on May 9, 2017. Your FOIA request involved four appeals before Board of Alien Labor Certification Appeals (BALCA): *University of Hawaii*, 2012-PER-02131; *The China Press*, 2011-PER-02924; *Symantec Corp.*, 2011-PER-01856; and *CB&I Inc.*, 2015-PER-00005.

Background

In the initial release on May 30, 2017, OALJ provided you with documents in OALJ's custody regarding the four BALCA appeals, including Appeal Files transferred from the Certifying Officer, copies of the documents issued by BALCA in regard to those cases, and internal memoranda and other documents relating to assignment of the three-judge and en banc panels.

For the initial release, OALJ had not yet attempted a dedicated search for documents other than those stated above because most of the remaining documents would involve the judges' deliberations on these cases (i.e., draft decisions, legal memoranda, and emails between judges and staff such as law clerks, etc.). You were provided a costs estimate for searching for these additional materials, and notified you that you would have to pay for search costs even if most, if not all documents located were withheld based on the FOIA Exemption 5, deliberative process privilege. In a June 7, 2017 email, you indicated that you understood that deliberative process materials would be withheld, but that you would like continue the search for additional materials, albeit limited to the *University of Hawaii*, 2012-PER-02131 case. You agreed to pay up to \$700 to continue the search. In subsequent emails, you noted your expectation that in applying deliberative process privilege, OALJ would apply the distinction between deliberative and factual materials. OALJ agreed that factual portions of otherwise deliberative materials that are segregable should be released, but OALJ noted that the caselaw recognizes that the factual/deliberative distinction is not a rigid rule, and that the very act of distilling facts can be an exercise of judgment and interpretation by agency personnel.

This is to reiterate that judicial deliberations may be the quintessential example of deliberative process. Judges need to be able to communicate frankly with support staff without fear that their deliberations will be later released. Such releases would chill communications and make judicial deliberations less efficient. Thus, OALJ firmly applies EX 5 deliberative process privilege.

The search

To complete this FOIA search, all judges who participated in the three-judge panel review, and the nine-judge en banc review panel, and their legal and clerical staffs, were asked to search their files for any documents relating to the *University of Hawaii* appeal beyond the materials which had already been provided to you. The Board's paralegal and senior attorneys at BALCA headquarters were also asked to search their files for similar documents.

The documents located

Two categories of documents were located.

The first category involves communications between the judges and support staff, both legal and clerical, from assignment through disposition of the en banc petition. Everything located in this category was in the form of emails and attachments to those emails. Redactions were made of information from these emails under FOIA EX 5 when they may have identified which support staff worked on the matter,¹ or when there were deliberative communications about the appeal. Some of the redacted communications included statements about the facts of the appeal; but these were not purely factual materials that could be segregated without revealing the judges' or support staff's exercise of judgment and interpretation of case. Draft decisions attached to the emails were withheld in their entirety under EX 5.

The second category involves case management materials maintained by the Board's senior attorneys and paralegal who work for the Associate Chief Judge for Immigration. These materials are used to monitor the location and status of appeals, and to assist in case assignments. Prior to late 2016, an Excel spreadsheet was used to maintain this information. There are several copies of this Excel spreadsheet in existence. Included in the responsive materials are excerpts from spreadsheets specific to the *University of Hawaii* appeal. These excerpts are part of a very large spreadsheet covering the docketed cases at the time. The excerpts cover several dates so that you can see what they looked like on those dates. The FOIA disclosure officer was informed that there are other existing copies of the spreadsheet, but they have identical information. Redactions to these materials were made for the column that identified the issue in the appeal. These identifications are done by the legal staff of BALCA and represent their mental impression of the main issue or issues in the appeal. As such, they are deliberative process materials protected from release by FOIA EX 5.

¹ See *Brinton v. Dep't of State*, 636 F.2d 600, 604 (D.C. Cir. 1980) (protecting identities of attorneys who provided legal advice to Secretary of State).

Also included in the responsive materials is an excerpt from BALCA's internal SharePoint site. The Excel spreadsheets were imported into SharePoint in late 2016 and maintenance of the spreadsheet discontinued. Unlike the Excel spreadsheets, SharePoint is constantly updated. Thus, what is being provided in the FOIA response materials is the entry for the *University of Hawaii* appeal on the date the search was conducted (June 12, 2017). The "Issue" column was redacted under EX 5 for the same reason as the redactions from the Excel spreadsheet excerpts.

Costs

When the search instructions were distributed to the judges and staff, they were asked to accurately track their search time and report back to the FOIA disclosure officer. Although 20 employees were asked to search their records, just six employees reported their time,² for a total of 1.5 hours of search time. Thus, you will only be charged \$60.00 for professional search time.³

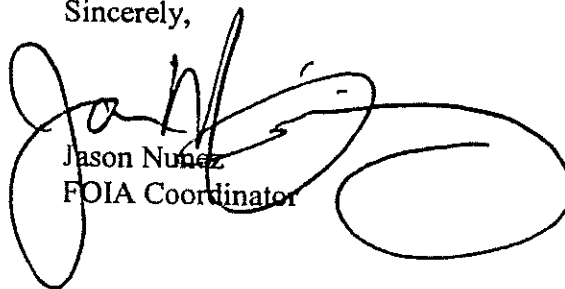
The photocopies total 54 pages, which amounts to a fee of \$8.10.⁴

We are waiving mailing costs.

In total, your search and duplication costs amount to \$68.10.

Please remit a check payable to the Treasury of the United States in the amount of \$68.10. Please send the check to my attention.

Sincerely,



Jason Nunez
FOIA Coordinator

² Many of the 20 employees may have had only minimal involvement, and therefore probably did not bother to report insignificant search time.

³ Most of the time involved in processing your request was in complying and reviewing the materials, coming in at just under six hours of professional time. As a first person requester, however, you are not charged for document compilation and review time.

⁴ In order to assist you when reviewing the materials, divider sheets were placed between documents. You are not being charged for these divider sheets.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact this office or the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427. Alternatively, you may contact the Office of Government Information Services National Archives and Records Administration (OGIS) to inquire the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at ogis@nara.gov, by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statements or arguments, but such statements are not required. In order to facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. Appeals may also be submitted by email to foiaappeal@dol.gov. Appeals submitted to any other email address will not be accepted.

2-16-17

Nielsen, Rebecca A. - OALJ

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Calianos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131
Attachments: Petition for En Banc Review University of Hawaii 2012-PER-02131.pdf

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. If you wish to grant the petition, please email your vote to me by **March 2, 2017**. If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

EX 5

2-16-17

Smyth, Todd - OALJ

From: Geraghty, Colleen - OALJ
Sent: Monday, June 12, 2017 2:24 PM
To: Smyth, Todd - OALJ; Nunez, Jason - OALJ
Subject: FW: Petition for En Banc Review University of Hawaii 2012-PER-02131

From: Geraghty, Colleen - OALJ
Sent: Thursday, February 16, 2017 11:20 AM
To: Thomas, Carla - OALJ
Subject: RE: Petition for En Banc Review University of Hawaii 2012-PER-02131

Luck of the draw I gues...

Colleen A. Geraghty
District Chief Judge
U.S. Department of Labor
Office of Administrative Law Judges
O'Neill Federal Building
10 Causeway Street, Room 411
Boston, MA 02222
(617)223-9355

From: Geraghty, Colleen - OALJ
Sent: Thursday, February 16, 2017 11:06 AM
To: Thomas, Carla - OALJ
Subject: RE: Petition for En Banc Review University of Hawaii 2012-PER-02131

How can I have been selected for two en bacn reviews on the same day?

Colleen A. Geraghty
District Chief Judge
U.S. Department of Labor
Office of Administrative Law Judges
O'Neill Federal Building
10 Causeway Street, Room 411
Boston, MA 02222
(617)223-9355

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Callanos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. If you wish to grant the petition, please email your vote to me by March 2, 2017. If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

EX 5

2-16-17

From: Barto, William T. - OALJ
To: EX 5
Subject: Fw: Petition for En Banc Review University of Hawaii 2012-PER-02131
Date: Thursday, February 16, 2017 11:10:45 AM
Attachments: [Petition for En Banc Review University of Hawaii 2012-PER-02131.pdf](#)

EX 5

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:52 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Calianos, Jonathan C. - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. **If you wish to grant the petition, please email your vote to me by March 2, 2017.** If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

EX 5

EX 5

3-2-17

From: Barto, William T. - OALJ
To: Thomas, Carla - OALJ
Subject: RE: Petition for En Banc Review University of Hawaii 2012-PER-02131
Date: Thursday, March 02, 2017 8:38:00 AM

Carla: I vote to deny the petition.

WTB

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Callanos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. **If you wish to grant the petition, please email your vote to me by March 2, 2017.** If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

EX 5

EX 5

Thomas, Carla - OALJ

From: Rosen, Dana A - OALJ
Sent: Thursday, February 16, 2017 11:13 AM
To: Thomas, Carla - OALJ
Subject: RE: Petition for En Banc Review University of Hawaii 2012-PER-02131

Deny. Thank you.

Judge Rosen

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Calianos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. **If you wish to grant the petition, please email your vote to me by March 2, 2017.** If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

To the En Banc panel

EX 5

EX 5

Thomas, Carla - OALJ

From: Barto, William T. - OALJ
Sent: Thursday, March 02, 2017 8:38 AM
To: Thomas, Carla - OALJ
Subject: RE: Petition for En Banc Review University of Hawaii 2012-PER-02131

Carla: I vote to deny the petition

WTB

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Calianos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. If you wish to grant the petition, please email your vote to me by **March 2, 2017**. If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

To the En Banc panel



EX 5

EX 5

Thomas, Carla - OALJ

From: Thomas, Carla - OALJ
Sent: Thursday, February 16, 2017 10:53 AM
To: Henley, Stephen R. - OALJ; Geraghty, Colleen - OALJ; Price, Larry - OALJ; Barto, William T. - OALJ; Kennington, Clement - OALJ; Romero, Lee - OALJ; Calianos, Jonathan C - OALJ; Rosen, Dana A. - OALJ; Rosenow, Patrick - OALJ
Cc: Smyth, Todd - OALJ; Sheinfeld, Harry L. - OALJ; Koll, Kevin J. - OALJ; Nielsen, Rebecca A. - OALJ
Subject: Petition for En Banc Review University of Hawaii 2012-PER-02131
Attachments: Petition for En Banc Review University of Hawaii 2012-PER-02131.pdf

Tracking:

Recipient	Read
Henley, Stephen R. - OALJ	Read: 2/16/2017 10:55 AM
Geraghty, Colleen - OALJ	Read: 2/16/2017 11:05 AM
Price, Larry - OALJ	Read: 2/16/2017 2:30 PM
Barto, William T. - OALJ	Read: 2/16/2017 10:55 AM
Kennington, Clement - OALJ	
Romero, Lee - OALJ	Read: 2/16/2017 10:59 AM
Calianos, Jonathan C - OALJ	Read: 2/16/2017 12:46 PM
Rosen, Dana A. - OALJ	
Rosenow, Patrick - OALJ	
Smyth, Todd - OALJ	
Sheinfeld, Harry L. - OALJ	
Koll, Kevin J. - OALJ	
Nielsen, Rebecca A. - OALJ	Read: 2/16/2017 11:11 AM

9 Judges

4 attorney

Greetings Judges,

You were selected to evaluate the above-referenced petition for en banc review. The attached PDF includes a copy of the petition and the associated three-judge panel decision. The administrative file is available on CTS, and Harry Sheinfeld's recommendation is attached below. If you wish to grant the petition, please email your vote to me by March 2, 2017. If a majority of you do not vote in favor of granting en banc review by the end of this voting period, the Employer's petition will be denied and the Board will not hear this matter en banc.

Regards,

Carla Thomas
Paralegal Specialist
Office of Administrative Law Judges
(202) 693-7336

University of Hawaii, 2012-PER-02131

To the En Banc panel

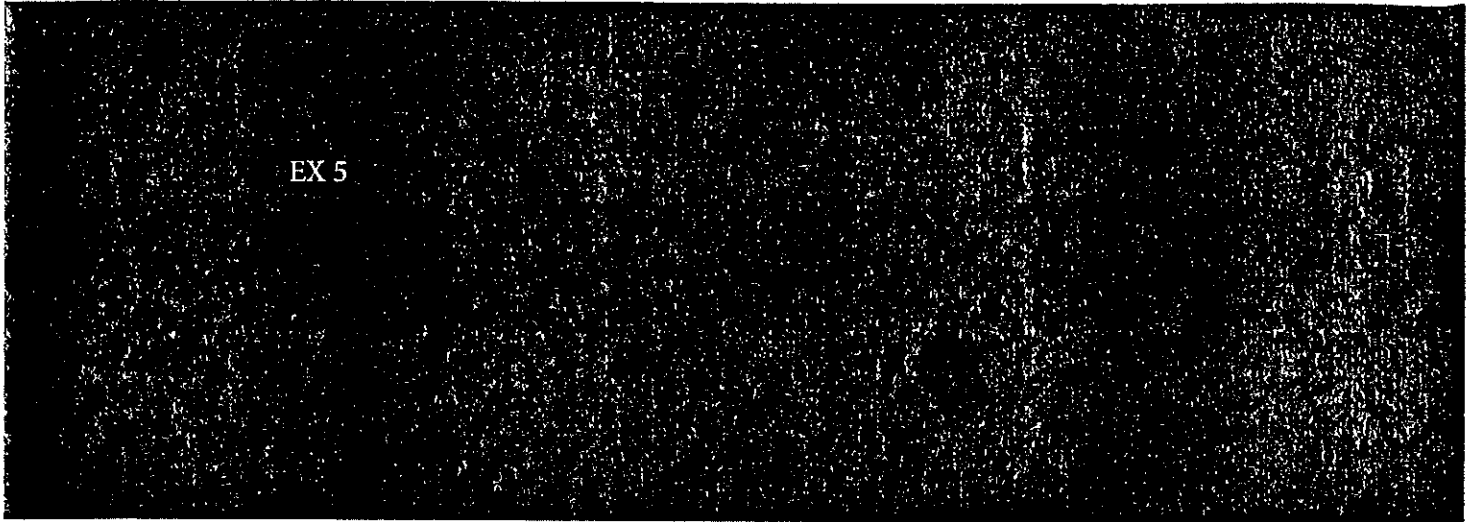


Exhibit C



Yawen Hsiao <yawen@hawaii.edu>

Fwd: UNIVERSITY OF HAWAII - A-10344-38244- YA-WEN HSIAO

1 message

Signe Nakayama <signen@hawaii.edu>

Thu, Feb 2, 2012 at 10:57 AM

To: Damon H Sakai <damon@hawaii.edu>, Kathy Matsumoto <morifuji@hawaii.edu>, Ya-wen Hsiao <yawen@hawaii.edu>

All,

Just fyi - got the boilerplate response below. I must say I wasn't really expecting anything more, but I was certainly hoping.

Signe

----- Original Message -----

Subject:UNIVERSITY OF HAWAII - A-10344-38244- YA-WEN HSIAO

Date:Thu, 02 Feb 2012 15:50:34 -0500

From:PLC, Atlanta - ETA <plc.atlanta@dol.gov>

To:Signe Nakayama <signen@hawaii.edu>

Dear Signe Nakayama,

Thank you for your inquiry to the Atlanta National Processing Center concerning your application filed under the Permanent Labor Certification Program.

Please be advised, case# **A-10344-38244** is still in process and official correspondence will be forthcoming.

Applications are processed in the order they are received. Once the Analyst reaches your case in their queue, based on the principles of **FIFO** (first in first out) it will be reviewed and official correspondence will be issued.

However, because each application is unique, processing times may vary depending on the specific circumstances of the case.

The policy of the U.S. DOL/ETA National Office prohibits the expediting of applications.

We apologize for the delay.

If the case was mailed in, then the employer and representative must await correspondence from this office. If the case was filed online, status of the case may be checked online, by following the directions below.

To check the status of your case filed online: go to the My Applications tab, then the Search Cases tab, you can enter your case number and see the current status. You can also search by a partial number. For more details, see Page 40 of the User Guide by clicking the Online Help link at the top of the PERM web page.

Sincerely,
ANPC Permanent Program Help Desk #24

From: Signe Nakayama [mailto:signen@hawaii.edu]

Sent: Wednesday, February 01, 2012 5:13 PM

To: PLC, Atlanta - ETA
Cc: Ya-wen Hsiao; Damon H Sakai; Kathy Matsumoto
Subject: Status of audited ETA 9089 - A-10344-38244

Hello,

We filed an ETA 9089 application for permanent labor certification on behalf of Ya-Wen Hsiao on 01/13/2011, case number A-10344-38244, which was audited on 01/18/2011. Since the PERM processing time posted on iCERT for audited applications is now June 2011, which is more than 3 months after our filing date, I'm inquiring about the status of this application.

Please let me know if you need additional information.

Thank you,

Signe Nakayama
Interim Director & Immigration Specialist
Faculty & Scholar Immigration Services
University of Hawaii
Contact: www.hawaii.edu/fsis/about.html

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.



UNIVERSITY
of HAWAII
SYSTEM

Yawen Hsiao <yawen@hawaii.edu>

Fwd: Second notice for Ya-Wen Hsiao

1 message

Damon Sakai <damon@hawaii.edu>

Fri, Mar 2, 2012 at 4:00 PM

To: "Yawen (Sarah) Hsiao" <yawen@hawaii.edu>

Here it is.

Damon
Damon H. Sakai, M.D.
Associate Professor of Medicine
Director of Medical Student Education
Director of the Office of Medical Education
John A. Burns School of Medicine
University of Hawaii
651 Ilalo Street, Suite 307V
Honolulu, Hawaii 96813
Phone (808)692-1001 Fax (808)692-1252
Email: damon@hawaii.edu

----- Forwarded message -----

From: **Signe Nakayama** <signen@hawaii.edu>

Date: Fri, Mar 2, 2012 at 1:41 PM

Subject: Re: Second notice for Ya-Wen Hsiao

To: Damon Sakai <damon@hawaii.edu>

Cc: Kathy Matsumoto <morifuji@hawaii.edu>

Thanks Damon. It's completely ludicrous - I know! That's the Dept of Labor!


I'll send the response with a copy today.

Thanks!

Signe

On 3/2/2012 12:49 PM, Damon Sakai wrote:

Hi Signe,

I'm definitely in favor of proceeding as we have in asking them to confirm the application. It's interesting to ask people for an audit response in two weeks, take a year to review it, not allow inquiries into it's processing for a year or so, then ask us again did we really, really, really want to pursue this... if so, please send another copy of your audit response. 

Oh well. Our answer is yes lol. Thank so much for your help Signe. I really appreciate it! Perhaps we should send a letter to our congressman.

Damon

Damon H. Sakai, M.D.
Associate Professor of Medicine
Director of Medical Student Education
Director of the Office of Medical Education
John A. Burns School of Medicine
University of Hawaii
651 Ilalo Street, Suite 307V
Honolulu, Hawaii 96813
Phone (808)692-1001 Fax (808)692-1252
Email: damon@hawaii.edu

On Fri, Mar 2, 2012 at 9:11 AM, Signe Nakayama <signen@hawaii.edu> wrote:

Hi Damon and Kathy,

I received another notice from the Dept of Labor regarding Ya-Wen Hsiao's labor certification application. The letter is just asking us to confirm that we would like them to continue processing the application. If so, we are required to send a copy of our previous audit response. If not, I just need to send a letter asking that the application be withdrawn.

I've never received such a notice before, so I double checked with an immigration lawyer to confirm that this shouldn't be of major concern and he agreed. He said they've most likely lost our audit response and that's why they need us to send it again. I know - it's ridiculous.

Please let me know either way as soon as possible.

Thanks,
Signe

 noname
1K

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 18 October 2012

BALCA Case No.: 2011-PER-00510
ETA Case No.: C-08080-35036

In the Matter of:

BENISH CORPORATION,
Employer

on behalf of

JUDHANI, FATEH ALI,
Alien.

Certifying Officer: William Carlson
Atlanta Processing Center

Appearances: Sherin Thawer, Esquire
Irving, Texas
For the Employer

Gary M. Buff, Associate Solicitor
Stephen R. Jones, Attorney
Office of the Solicitor
Division of Employment and Training Legal Services
Washington, DC
For the Certifying Officer

Before: Burke, Colwell, Johnson, Purcell and Vittone
Administrative Law Judges

ORDER DENYING EN BANC REVIEW
AND DENYING REOPENING OF APPEAL

The Certifying Officer's filing date determination was affirmed by a panel decision of the Board issued on December 23, 2011. On January 12, 2012, the Board received the Employer's

petition for *en banc* review. Upon consideration of the arguments presented in the petition, the Board concludes that *en banc* review is not necessary either to secure or maintain uniformity of decisions or to resolve a question of exceptional importance. Accordingly, the Employer's petition for *en banc* review is hereby **DENIED**.

Although the Employer expressly sought *en banc* review, because the petition for *en banc* review presented documentation that potentially shows that the CO's filing date determination was based on a faulty premise – that there was no pre-PERM application filed with the Texas State Workforce Agency under the SWA Case No. 0063813 – and because labor certification was granted and the filing date determination is of crucial importance to the USCIS priority date determination – we have sua sponte also considered whether grounds exist to reopen the matter. BALCA's rules of practice and procedure do not contain a provision on motions to reopen. Accordingly, it looks to the Federal Rules of Civil Procedure for guidance. Federal Rule of Civil Procedure 60(b) provides, in pertinent part:

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

* * *

(6) any other reason that justifies relief.

In the instant case, the Employer indicated on its pro se PERM application that it was seeking to retain the filing date of a pre-PERM application filed in Texas on April 23, 2011. (AF 20). The CO granted certification, but declined to award the pre-PERM filing date based on a finding that there had been no pre-PERM application. (AF 5). The Employer and the Alien, through newly retained counsel, requested reconsideration. (AF 2-17). The attorney noted that the only information the Employer had provided about the identity of the pre-PERM application on the Form 9089 application was that it was filed in "Texas." The attorney stated that the Employer had filed such a pre-PERM application, and provided the Case Number 0063813. (AF 2). The CO reconsidered, but stated that a "review of our records does not show a pre-PERM filing with the case number 0063813;" found that the Employer had not provided sufficient information to support its claim of an eligible pre-PERM application; and found that the decision not to award the earlier filing date was valid. (AF 1). On appeal, a new attorney made an entry of appearance. The Employer, however, did not file an appellate brief or other statement of position, and based on the record before it, the BALCA panel affirmed the CO's filing date determination.

Attached to the Employer's petition for *en banc* review is documentation that very clearly shows that an employer under the name "Ramzan Punjani, \$1.00 Store" filed a pre-PERM

application with the Texas SWA on April 23, 2011 under the ALC Case No 0063813. In a supplemental filing the Employer submitted documentation which purports to establish that the named Employer for the PERM application, "Benish Corporation," has a direct business relationship to the named Employer for the pre-PERM application "Ramzan Punjani, \$1.00 Store." Thus, at least arguably, the CO's finding in his decision on reconsideration that there was no pre-PERM application under the case number 0063813 was an error.

Nonetheless, we decline to order relief under the criteria of FRCP 60(b). First, this documentation was not presented to either the CO or the Board prior to the Employer's petition for en banc review. The only explanation for the tardy submission of this documentation was that the Employer's newly retained attorney "relied on the record believing that it already contains evidence of ETA 750 filing (now (re)submitted)." (Employer's petition for en banc review at 3). However, this was not a reasonable belief. The CO's decision on reconsideration clearly notified the Employer that the CO had been unable to find evidence of a pre-PERM filing in Texas under the case number provided by the Employer and that there was insufficient evidence before the CO to support the claimed pre-PERM filing. Thus, the failure to present the concrete documentation of the pre-PERM filing with the Texas SWA until the petition for en banc review cannot be found to have been due to "mistake, inadvertence, surprise, or excusable neglect." Nor can the documentation be found to constitute "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move" for a reopening of the record prior to the BALCA panel's decision. Thus, the only remaining potential ground for Rule 60(b) relief is the generic "any other reason that justifies relief."

The Employer's en banc petition makes a plea for equitable relief given that the Employer and the Alien had much time and money invested in the labor certification process and that "clearly there exists evidence of ETA 750 filing on April 23, 2001." (Employer's petition for en banc review at 5). BALCA's caselaw has recognized equitable relief from non-jurisdictional time deadlines where not to provide such relief would work a "manifest injustice." See *Madeleine S. Bloom*, 1988-INA-152 (Oct. 13, 1989) (en banc), recon. den. (Dec. 20, 1990) (per curiam). However, such equitable relief is only granted in rare instances, and has been limited to type of egregious circumstances as occurred in *Bloom*. In *Bloom*, a pre-PERM case involving an untimely rebuttal of a Notice of Findings, the Employer had provided a single piece of rebuttal evidence to its attorney, which if timely filed, made a grant of certification virtually inevitable. Such equitable relief has not been granted where "evaluation of the Employer's rebuttal documentation in the present case would require more than the essentially ministerial function anticipated by the *Bloom* case facts." *Park Woodworking, Inc.*, 1990-INA-93 (Jan. 29, 1992)(en banc). In the instant case, it is unlikely that reopening the record to consider the pre-PERM application would result in a change to the CO's filing date determination.

As the Department of Labor implemented the PERM regulatory scheme, it included a regulatory provision which permitted, under certain narrow circumstances, re-filing of pending pre-PERM applications under the PERM regulations without loss of the filing date of the pre-PERM application. Specifically, the regulation at 20 C.F.R. § 656.17(d) provides in pertinent part:

(d) *Refiling Procedures.* (1) Employers that filed applications under the regulations in effect prior to March 28, 2005, may, if a job order has not been placed pursuant to those regulations, refile such applications under this part without loss of the original filing date by:

(i) Submitting an application for an identical job opportunity after complying with all of the filing and recruiting requirements of this part 656; and

* * *

(4) For purposes of paragraph (d)(1)(i) of this section, a job opportunity shall be considered identical if the employer, alien, job title, job location, job requirements, and job description are the same as those stated in the original application filed under the regulations in effect prior to March 28, 2005.

* * *

Thus, Section 656.17(d)(4) unambiguously requires that the job requirements be “identical” under the PERM and the pre-PERM applications in order for the pre-PERM filing date to be retained. The Board has repeatedly affirmed the CO’s decision to assign a priority date based on the PERM application where the job requirements or the job description specified on the PERM application differed from those specified on the employer’s pre-PERM application. *See, e.g., North Forest Independent School District*, 2008-PER-62 (Aug. 27, 2008); *M & K Enterprises*, 2008-PER-91 (Oct. 29, 2008); *B&M Auto Service Inc.*, 2008-PER-122 (Oct. 28, 2008); *Hatzlocha Holdings Corp.*, 2011-PER-2346 (May 25, 2012). So too, under the regulations the location of the job opportunity must be identical in order to retain the pre-PERM filing date.

In the instant case, assuming arguendo that “Benish Corporation” and “Ramzan Punjani, \$1.00 Store” are in fact the same Employer, the job requirements and the job location specified on the Forms 750 and 9089 are not identical. The Form 750 stated the job requirements to be a high school education, *no training*, and two years of experience in either the job offered or a related occupation. The Form 9089 stated a different set of job requirements: a high school education, *six months of training*, and two years of experience in the job offered, *or an Associate’s degree with one year of experience*. The Form 750 listed the Employer’s address as 11122 Airline Drive, Houston, Texas. The Form 9089 listed the Employer’s address, and the job location, as 1520 E I-30, Garland, Texas. We take administrative notice that Garland, Texas is a suburb of Dallas. Given these obvious differences in the Form 750 and the Form 9089, the circumstances of this case clearly do not fit into the narrow “manifest injustice” standard of *Bloom* and *Park Woodworking* as it is hardly likely reopening the matter would result in a reversal of the CO’s filing date determination.

Based on the foregoing, we decline to reopen this appeal.

For the Board:



Digitally signed by WILLIAM COLWELL
DN: CN=WILLIAM COLWELL,
OU=ADMINISTRATIVE LAW JUDGE,
O=Office of Administrative Law Judges,
L=Washington, S=DC, C=US
Location: Washington DC

WILLIAM S. COLWELL
Associate Chief Administrative Law Judge

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 23 August 2012

BALCA Case No.: 2011-PER-01264
ETA Case No.: A-08252-85098

In the Matter of:

IBM CORPORATION,
Employer

on behalf of

WABINSKI, TOM,
Alien.

Certifying Officer: William Carlson
Atlanta National Processing Center

Appearances: Jeffrey M. Crusha, Esq.
Fragomen, Del Rey, Bernsen & Loewy, LLP
New York, New York
For the Employer

Before: Sarno, Bergstrom, Krantz
Administrative Law Judges

DECISION AND ORDER
VACATING DENIAL OF LABOR CERTIFICATION
AND REMANDING FOR FURTHER PROCESSING

This matter arises under Section 212 (a)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(5)(A), and the "PERM" regulations found at Title 20, Part 656 of the Code of Federal Regulations ("C.F.R.").

BACKGROUND

On September 15, 2008, the Certifying Officer (“CO”) accepted for filing the Employer’s Application for Permanent Employment Certification for the position of “Software Engineer” (AF 65-76).¹ On April 8, 2009, the CO sent the Employer an Audit Notification Letter requesting that the Employer provide certain information in accordance with 20 C.F.R. § 656.20. (AF 61-64) On May 11, 2009, the Employer responded to the audit notification. (AF 12-60).

On October 19, 2010, the CO denied the application. (AF 10-11). The CO listed a single reason for denial stating that the “[t]he employer failed to provide adequate documentation of the additional recruitments steps for professional occupations as required in the Audit Notification letter. The employer indicated in Item I.d.15 of ETA Form 9089 that it used its web site to advertise the job opportunity described in Section H. However, the employer has provided only a typed word document, and thus there is no indication of the employer’s actual website being used.” (AF 11). Specifically, the CO cited to the regulation at 20 C.F.R. 656.17(e)(1)(ii)(B) that states, “[t]he use of the employer’s web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application.” *Id.*

On November 18, 2010 the Employer requested reconsideration. (AF 2-9). The Employer explained that it had provided documentation of the job opportunity posting from its website in its audit notification response. (AF 2). The Employer also attached additional documentation as evidence that it had posted the job opportunity on its website. (AF 2-9). On May 3, 2011 the CO found that the Employer had not overcome the deficiencies in its application. (AF 1).

The CO forwarded the case to BALCA on May 3, 2011, and BALCA issued a Notice of Docketing on July 22, 2011. The Employer filed a Statement of Intent to Proceed on August 3, 2011, but did not file an appellate brief. The CO did not file a Statement of Position.

¹ In this decision, AF is an abbreviation for Appeal File.

DISCUSSION

An employer can satisfy one of its recruitment requirements for a professional position by advertising the position on the employer's website. 20 C.F.R. § 656.17(e)(4)(ii). The regulation states that "the use of the employer's Web site as a recruitment medium *can* be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." 20 C.F.R. § 656.17(e)(4)(ii)(B) (emphasis added). Copies of all supporting documentation must be retained by the employer for five years from the date of filing the application for permanent labor certification. 20 C.F.R. § 656.10(f). Audit regulations provide that a substantial failure by the employer to provide the required documentation will result in denial of the application. 20 C.F.R. § 656.20(b).

However, BALCA has previously held:

[t]he regulations do not preclude an employer from providing documentation of the advertisement posted on its website *in a manner other than by submitting dated printouts* of the website advertisement, and the Office of Foreign Labor Certification (OFLC) website notes that the CO may find documentation adequate even if the Employer cannot provide the dated copies of the advertisement from the website. The OFLC website includes a response to a Frequently Asked Question (FAQ) stating that if an employer does not have a copy of the posting from its website, "the employer may provide an affidavit from the official within the employer's organization responsible for the posting of such occupations on the web site attesting, under penalty of perjury, to the posting of the job."

Living Earth Landscape Design, LLC, 2009-PER-00490, slip. op. at 5 (April 15, 2010) (emphasis added).

In the instant case, the Employer submitted a signed statement as evidence of its additional recruitment steps. (AF 50). This document, which states the name of the job opportunity found on ETA Form 9089 and describes the details of this job opportunity, is signed by the Employer's "Immigration Coordinator" (Brenda Foster) and dated June 13, 2008. *Id.* The document states that "[a] copy of this notice [advertising the position in question] was posted on [the Employer's website] from 5/29/08 to 6/13/08." *Id.* These dates match the dates provided by the Employer in section I(d)(15) of its ETA Form 9089. (AF 69). Furthermore, according to the Employer's ETA Form 9089, Brenda Foster is the Employer's contact under Section D. (AF 65).

She is the signer of not only this document, but also of the Employer's Notice of Filing. (AF 43-44). Thus, it is logical that Brenda Foster is "an official in the employer's organization responsible for the posting of such occupations on the web site." (FAQ). In addition, the Employer submitted a copy of an e-mail from its "NetMedia eRecruitment System" confirming that the posting for the "Software Engineer" position went live on May 29, 2008. (AF 51). This e-mail, which provides a hyperlink to the Employer's site, establishes that the position of "Software Engineer" was "made live" on May 29, 2008 on the Employer's website. *Id.*

The CO argues that the evidence "was insufficient to reach a logical nexus that the additional recruitment steps were conducted." (AF 1). To the contrary, the evidence provided by the Employer in its response to audit notification documents the position being advertised, the dates, and the location of the Employer's web posting. (AF 12-60). Together, this evidence constitutes a sufficient nexus that the additional recruitment steps were conducted. Although it would have been more efficient for the Employer to provide dated screen-shots of the job posting on its own webpage, such as were provided for the first time in the Request for Reconsideration, we find that the regulations do not require the documentation of webpage recruitment in this manner. We find the information provided here, the body of the advertisement as well as the attesting signature from the Employer's listed contact, are sufficient to establish the webpage advertisement complied with 20 C.F.R. § 656.17(e)(4)(ii)(B).

Based on the foregoing, we find that the most appropriate remedy is to remand this case to permit the CO to continue processing the Employer's application.

ORDER

IT IS HEREBY ORDERED that the Certifying Officer's denial of Employer's application for labor certification in the above-captioned matter is **VACATED** and **REMANDED** for further processing consistent with this opinion.

For the Panel:

A

DANIEL A. SARNO, JR.
District Chief Administrative Law Judge

DAS,JR./AMJ/jcb
Newport News, Virginia

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within twenty days from the date of service a party petitions for review by the full Board. Such review is not favored and ordinarily will not be granted except (1) when full Board consideration is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW Suite 400
Washington, DC 20001-8002

Copies of the petition must also be served on other parties and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting full Board review with supporting authority, if any, and shall not exceed five double-spaced pages. Responses, if any, shall be filed within ten days of service of the petition, and shall not exceed five double-spaced pages. Upon the granting of a petition the Board may order briefs.

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 30 December 2016

BALCA Case No.: 2015-PER-00005
ETA Case No.: A-13008-28632

In the Matter of:

CB & I, INC.,
Employer,

on behalf of

MARCIAL MAYAM ONG PANGANIBAN, Jr.,
Alien.

Certifying Officer: William L. Carlson, Ph.D.
National Certifying Officer
Atlanta National Processing Center

Appearance: Laurie E. Snider, Esquire
Berry Appleman & Leiden LLP
Dallas, Texas
For the Employer

Before: Colleen A. Geraghty, *District Chief Administrative Law Judge*, and
Timothy J. McGrath and Daniel F. Sutton,¹ *Administrative Law Judges*

Opinion for the Board filed by GERAGHTY, *District Chief Administrative Law Judge*, with whom
McGRATH and SUTTON, *Administrative Law Judges*, join:

DECISION AND ORDER
REVERSING DENIAL OF CERTIFICATION

This matter which arises under Section 212(a)(5)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(a)(5)(A) and the "PERM" labor certification regulations at 20 C.F.R. Part 656² is before the Board of Alien Labor Certification Appeals ("the Board") on the

¹ Appointed under the U.S. Office of Personnel Management Senior Administrative Law Judge Program. See 5 C.F.R. § 930.209.

² "PERM" is an acronym for the "Program Electronic Review Management" system established by the regulations that went into effect on March 28, 2005. 69 Fed. Reg. 77326 (Dec. 27, 2004).

Employer's request for review pursuant to 20 C.F.R. § 656.26 of the administrative denial of its application for a Permanent Employment Certification by the Certifying Officer ("CO") of the Department of Labor's Office of Foreign Labor Certification ("OFLC"). The Board's consideration of the request for review is based on a review of the record upon which the denial of certification was made, the request for review, and any statement of position or legal brief. 20 C.F.R. § 656.27(c). For the reasons set forth below, we reverse the CO's denial of the Employer's Application for Permanent Employment Certification.

BACKGROUND

On February 1, 2013, the Employer filed an *Application for Permanent Employment Certification* ("Form 9089") with the CO sponsoring the Alien for permanent employment in the United States as a "Senior Process Engineer" in Houston, Texas at the offered annual wage of \$96,071.56. (AF 93-94).³ The occupational title listed on the Employer's Form 9089, Section F-3 was "Chemical Engineers," Standard Occupational Classification Code 17-2041. (AF 94). The Employer stated in Section I.a.1. of the Form 9089 that its application was for a professional position. (AF 96). Section I of the Form (Recruitment Information) also requires the Employer to list its efforts to recruit candidates for the job opportunity, and the Employer stated in Section I.d.15. that one of the recruitment steps that it had used was advertising the job opportunity on the Employer's website from September 5, 2012 to November 2, 2012. (AF 97).

The CO's office notified the Employer by letter dated July 29, 2013 that its application had been selected for audit, and it requested the employer to submit information. (AF 88-92). Among the items requested by the CO were a "recruitment report" for the job opportunity as described in 20 C.F.R. §656.17(g)(1) and recruitment documentation as outlined in 20 C.F.R. §656.17(e). (AF 89). The CO stated that the requested documentation must be submitted by August 28, 2013 or the application would be denied. (AF 89).

The Employer responded to the CO's audit request on August 27, 2013. (AF 17-87). The response included a report of the Employer's recruitment steps and supporting documentation. (AF 49-87). In its report, the Employer indicated that "[a]ttached are print-outs of the job opportunity which was listed from 9/05/2012 to 11[/]02/2012 on CB&I Inc.'s external website." (AF 49). Attached to the report is a memorandum dated August 22, 2013 from Carla Aguilar, the Employer's Human Resources Manager, who stated, "[p]lease note that the website advertisement, for the above mentioned recruitment, was posted on CB&I Inc.'s website from 9/05/2012 to 11[/]02/2012." (AF 63). No copy of pages from the Employer's website were included in the Employer's audit response, but the Employer did attach a copy of a job advertisement from the website www.careerbuilder.com. (AF 60-62). This advertisement contains the following statement: "TO APPLY: www.cbi.com/careers/job-search-and-registration/ indicating job code 1892.79." (AF 62).

On July 29, 2014, the CO informed the Employer that certification of its application was denied because the Employer failed to provide dated copies of the pages from its website that advertised the job opportunity. (AF 14-16). The CO acknowledged the copy of the

³ Citations to the Appeal File are abbreviated as "AF" followed by the page number.

advertisement that the Employer submitted from the Careerbuilder.com website but stated that Careerbuilder is a commercial job search site that could not qualify as one of the Employer's required recruitment steps because the employer had listed another job search website, "chron.com," on its Form 9089. (AF 16). As authority for the denial of certification, the CO cited § 656.17(e)(1)(ii)(B) of the PERM regulations which states, that "[t]he use of the employer's web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." 20 C.F.R. § 656.17(e)(1)(ii)(B). (AF 16).

On August 27, 2014, the Employer mailed a "REQUEST FOR RECONSIDERATION / REQUEST FOR REVIEW" to the CO, arguing that it had in fact advertised the job opportunity on its own website in addition to the commercial job search sites discussed in the CO's denial letter. (AF 3-13). As evidence that the job opportunity was posted on its website, the Employer submitted an affidavit from William Stein, Global Talent Acquisition Manager, who stated that "[b]ased on the parameters of CB&I's account with CareerBuilder, the job posting was posted on CareerBuilder's job board first and fed immediately to CB&I's career page." (AF 12). Mr. Stein further stated that the Employer no longer had a copy of the advertisement that was posted on its website, but he confirmed "under penalty of perjury" that the advertisement was posted on the Employer's website from September 5, 2012 to November 2, 2012. (AF 12). The Employer also submitted a letter dated August 22, 2013 from Ms. Aguilar who stated that the job opportunity was posted on the Employer's website. (AF 11).

By letter dated October 1, 2014, the CO informed the Employer that its request for reconsideration did not overcome the deficiency noted in the denial letter. (AF 1-2). The CO acknowledged the affidavit that the Employer submitted from Mr. Stein and that an employer "is permitted to provide an affidavit from a company official attesting to the Website posting based on the Department's Frequently Asked Questions (FAQs) which allows the employer to submit alternative evidence of an advertisement, such as an affidavit attesting to the posting of the job opportunity." (AF 1). However, the CO further stated that the Employer "did not provide any documentary evidence that its advertisement was placed on its website" and that "[t]here is no evidence from CareerBuilder that the employer's posting was placed on the employer's website." (AF 1). The CO noted that the Employer had not submitted a "sworn affidavit from CareerBuilder" and that the Employer did not "adequately demonstrate that its website posting was displayed during the required recruitment period." (AF 1). The CO thus concluded:

Although the employer is not specifically required to provide dated copies of its Website advertisement, documentation provided must demonstrate a logical nexus between the job listed on the ETA Form 9089 and the placement of an advertisement on the employer's Website to allow the Certifying Officer to verify the appropriate use and compliance of the employer's Website advertisement as an additional recruitment step.

(AF 1-2). Since he found that the Employer failed to provide adequate documentation proving recruitment on its website during the required recruitment period for the job opportunity, the CO determined that denial of the application was valid in accordance with § 656.17(e)(1)(ii)(B). (AF 2).

Having confirmed denial of the Employer's application on reconsideration, the CO transferred the case to the Board for administrative review. Upon receipt of the Appeal File, the Board issued a Notice of Docketing and Briefing Schedule. The Employer's attorney filed a statement of the Employer's intent to proceed in response to the Board's notice. Neither the CO nor Employer filed any brief with the Board.

STANDARD OF REVIEW

The Board's review of the CO's legal and factual determinations when denying an application for permanent alien labor certification is *de novo*, limited in scope by 20 C.F.R. § 656.27(c). *Albert Einstein Medical Center*, 2009-PER-00379 (Nov. 21, 2011) (*en banc*), slip op. at 32. Thus, the Board engages in *de novo* review of the record upon which the CO denied permanent alien labor certification, together with the request for review, and any statements of position or legal briefs. *Id.* at 25. The Board may not consider evidence first presented in an appellate brief. *Id.* at 7. The Board permits general legal argument in briefs, but will not consider wholly new arguments not made before the CO. *Id.* at 8. The Board will not decide an appeal on grounds for denial not raised while the case was before the CO. *Loews Anatole Hotel*, 1989-INA-00230 (Apr. 26, 1991) (*en banc*); *Mandy Donuts Corp.*, 2009-PER-00481 (Jan. 7, 2011).

DISCUSSION

The permanent labor certification process is the first step an employer must complete in order to sponsor certain foreign workers for lawful permanent resident status.⁴ 8 U.S.C. § 1182(a). The labor certification represents the Secretary of Labor's certification that there are no able, willing, qualified, and available U.S. workers for the position the alien seeks to perform on a permanent basis.⁵ 8 U.S.C. § 1182(a)(5)(A)(i)(I). PERM is an attestation-based program. 20 C.F.R. § 656.10(c). Among other attestations, an employer must attest that the job opportunity listed in the application for permanent employment certification has been and is clearly open to any U.S. worker. 20 C.F.R. § 656.10(c)(8). Accordingly, the regulations require an employer to conduct mandatory recruitment steps and make a good-faith effort to recruit U.S. workers prior to filing an application for permanent alien labor certification. *See* 20 C.F.R. § 656.17(e); *Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System*, 69 Fed. Reg. 77326, 77348 (Dec. 27, 2004). If the employer's recruitment efforts do not yield any able, willing, qualified, and available U.S. workers, the employer may file an application on Form 9089. *See, e.g.*, 20 C.F.R. § 656.17(a). An employer sponsoring a foreign worker for permanent labor certification bears the burden of proving that all regulatory requirements have been satisfied before the CO can grant certification. 8 U.S.C. § 1361; 20 C.F.R. § 656.2(b).

⁴ Lawful permanent resident status is commonly referred to as having a green card. Among the benefits afforded to lawful permanent residents is the opportunity to apply for naturalization. 8 U.S.C. § 1427(a).

⁵ The labor certification also represents the Secretary of Labor's certification that the permanent employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. § 1182(a)(5)(A)(i)(II).

Where, as in this case, an employer sponsors an alien worker for a job opportunity classified as a professional occupation, the employer must conduct additional recruitment steps, one of which is advertising the job opportunity on the employer's website. 20 C.F.R. § 656.17(e)(1)(ii)(B). Section 656.17(e)(1)(ii)(B) provides that "[t]he use of the employer's Web site as a recruitment medium can be documented by providing dated copies of pages from the site that advertise the occupation involved in the application." In his decision on reconsideration, the CO conceded that this documentation requirement can be satisfied by alternative means such as an affidavit attesting to the posting of the job opportunity, and Board panels have also interpreted § 656.17(e)(1)(ii)(B) flexibly to afford employers the opportunity to document their efforts through "reasonably equivalent alternative methods." *Amneal Pharmaceuticals, LLC*, 2012-PER-03266, slip op. at 3 (Oct. 16, 2016); *see also St. Landry Parish School Board*, 2012-PER-01135 (Apr. 28, 2016); *DGN Technologies, Inc.*, 2011-PER-01366 (July 31, 2015). However, the Board has also cautioned that because of the often "ephemeral" nature of website, "retention of reliable contemporaneous documentation of the status of a web page on the dates attested to in the Form 9089 is essential for an employer to be able to meet the PERM documentation requirement of dated copies of company website postings." *EZChip, Inc.*, 2010-PER-00120, slip op., at 5 (Jan. 12, 2011). *See also Spring Branch Independent School Dist.*, 2012-PER-01160, slip op. at 4-5 (Mar. 10, 2016) (documentation of the "actual content" of the website advertisement is necessary in addition to the dates of posting for the CO to determine whether the advertisement is for the occupation listed on the ETA Form 9089 and whether the advertisement was placed in good faith and the job was clearly open to U.S. applicants).

In this case, the Employer did not submit dated copies of the pages from its website containing the job advertisement that it attested to posting in the Form 9089, but it did submit a dated copy of the advertisement posted on Careerbuilder.com and an affidavit from Mr. Stein who states that the advertisement posted on Careerbuilder.com was simultaneously "fed" to the Employer's website where it was posted from September 5, 2012 to November 2, 2012. Because the CO did not bar Mr. Stein's affidavit pursuant to 20 C.F.R. § 656.24(g), we have considered it along with the other documentation submitted by the Employer. *See Amneal Pharmaceuticals*, slip op. at 3 n.6 (citing *Actuarial Systems Corp.*, 2012-PER-01599 (May 26, 2016)). Based on our review of the record which contains the full text of the job advertisement that was posted on Careerbuilder and Mr. Stein's sworn statement that Careerbuilder advertisement was also posted on the Employer's website from September 5, 2012 to November 2, 2012, we find that the Employer's documentation is reasonably equivalent to a dated copy of the website job advertisement and thus satisfied the requirements of § 656.17(e)(1)(ii)(B). Accordingly, we find no basis for the CO's determination that the Employer was also required to submit an affidavit from Careerbuilder, and we reverse his denial of certification.

ORDER

IT IS ORDERED that the denial of labor certification in this matter is hereby **REVERSED**, and the CO is directed to **GRANT** certification.

SO ORDERED.

For the panel:



Digitally signed by Colleen Geraghty
DN: CN=Colleen Geraghty,
OU=Administrative Law Judge, O=US
DOL Office of Administrative Law
Judges, L=Boston, S=MA, C=US
Location: Boston MA

COLLEEN A. GERAGHTY
Administrative Law Judge

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within twenty days from the date of service a party petitions for en banc review by the Board. Such review is not favored and ordinarily will not be granted except (1) when en banc consideration is necessary to secure or maintain uniformity of the Board's decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

**Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001-8002**

Copies of the petition must also be served on other parties and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting en banc review with supporting authority, if any, and shall not exceed ten double-spaced pages. Responses, if any, shall be filed within ten days of service of the petition, and shall not exceed ten double-spaced pages. Upon the granting of a petition the Board may order briefs.

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 05 April 2011

BALCA No.: 2010-PER-00064
ETA No.: A-07226-65947

In the Matter of:

PJ CLARKE'S ON THE HUDSON,
Employer,

on behalf of

JUAN HERRERA,
Alien.

Appearance: Carina Defferre-Duffy, Esquire
New York, New York

Before: **Bergstrom, Colwell, Krantz, Malamphy and Sarno**
Administrative Law Judges

ORDER DENYING PETITION FOR EN BANC REVIEW

The Certifying Officer's denial of labor certification was affirmed by a panel decision of the Board on February 11, 2011. On March 10, 2011, the Board received the Employer's petition for *en banc* review. Upon consideration of the arguments presented in the petition, the Board concludes that *en banc* review is not necessary either to secure or maintain uniformity of decisions or to resolve a question of exceptional importance. Employer's counsel misstated the legal requirements for Notice under 20 C.F.R. § 656.10(d). Subsection 656.10(d)(4) requires the Notice to also contain all the information required in 20 C.F.R. § 656.17(f). Accordingly, the Employer's petition for *en banc* review is hereby **DENIED**.

Entered at the direction of the Board by:

A

Todd R. Smyth
Secretary to the Board of Alien
Labor Certification Appeals

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 13 May 2013

BALCA Case No.: 2011-PER-02476
ETA Case No.: A-08311-02831

In the Matter of:

AMAZON GLOBAL RESOURCES, INC.,
Employer

on behalf of

NAIR, SHYAMLAL PURUSHOTHAMAN,
Alien.

Appearance: Dan Marani, Esquire
Fragomen, Del Rey, Bernsen & Loewy, LLP
Boston, Massachusetts
For the Employer

Before: **Calianos, Colwell, Geraghty, Johnson and McGrath**
Administrative Law Judges

ORDER DENYING PETITION FOR EN BANC REVIEW

The Certifying Officer's denial of labor certification was affirmed by a panel decision of the Board issued on December 17, 2012. Thereafter, the Board received the Employer's petition for *en banc* review. Upon consideration of the arguments presented in the petition, the Board concludes that *en banc* review is not necessary either to secure or maintain uniformity of decisions or to resolve a question of exceptional importance.

We note that in its petition for *en banc* review, the Employer asserted that it had not been given the opportunity to present a brief or statement of position as required by 20 C.F.R. § 656.27(b). This contention is based on the lack of a briefing schedule stated in an email sent to the Employer's attorney by a Legal Intern for the Board on September 5, 2012. But the purpose of the Intern's email was merely to verify that the appeal was still active. The Board issued its Notice of Docketing on November 21, 2011. That Notice of Docketing set a briefing schedule permitting the filing of briefs within 45 days of the date of the Notice. Although the Employer's

attorney did not receive the Notice of Docketing until December 15, 2011 due to a change of the law firm's address, that attorney filed the Employer's statement of intent to proceed with the Board. Thus, the Employer's attorney was on actual notice of the opportunity to file a brief no later than December 15, 2011, which was still within the 45 day period for filing a brief. Thus, the contention that the Employer was denied the opportunity to file a brief is without merit.

Accordingly, the Employer's petition for *en banc* review is hereby **DENIED**.

For the Board:



Digitally signed by WILLIAM COLWELL
DN: CN=WILLIAM COLWELL,
OU=ADMINISTRATIVE LAW JUDGE,
O=Office of Administrative Law Judges,
L=Washington, S=DC, C=US
Location: Washington DC

WILLIAM S. COLWELL
Associate Chief Administrative Law Judge

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 19 June 2018

BALCA Case No: 2012-PER-02131
ETA Case No: A-10344-38244

In the Matter of:

UNIVERSITY OF HAWAII,
Employer,

on behalf of,

HSIAO, YA-WEN,

RECEIVED JUN 25 2018

ORDER GRANTING EMPLOYER LEAVE
TO RESUBMIT OCTOBER 19, 2012 BRIEF

The Employer currently has pending a Pro Se Motion for Relief from Judgment and Order. While the original motion has remained in our office, the physical case file was inadvertently transferred to the Atlanta National Processing Center. BALCA has retained electronic copies of the case file's substantive documents with the exception of the Employer's brief filed on October 19, 2012. BALCA has requested that the case file be transferred back from the Atlanta National Processing Center. In the interest of reducing administrative delay, the Employer is hereby afforded an opportunity to resubmit the October 19, 2012 brief within fifteen days of this order if it would like the brief to be considered during the adjudication of its Pro Se Motion for Relief from Judgment and Order.

SO ORDERED.



Digitally signed by STEPHEN R.
HENLEY
DN: CN=STEPHEN R. HENLEY,
OU=ADMINISTRATIVE LAW JUDGE,
O=US DOL Office of Administrative Law
Judges, L=Washington, S=DC, C=US
Location: Washington DC

Stephen R. Henley
Chief Administrative Law Judge
and
Chair of the Board of Alien Labor
Certification Appeals

SERVICE SHEET

Case Name: HSIAO_YA-WEN_v_UNIVERSITY_OF_HAWAII

Case Number: **2012PER02131**

Document Title: **ORDER GRANTING EMPLOYER LEAVE TO RESUBMIT OCTOBER 19, 2012 BRIEF**

I hereby certify that a copy of the above-referenced document was sent to the following this 19th day of June, 2018:



Digitally signed by BRENDA D. WILLIAMS
DN: CN=BRENDA D. WILLIAMS,
OU=LEGAL ASSISTANT, O=US DOL Office
of Administrative Law Judges,
L=Washington, S=DC, C=US
Location: Washington DC

BRENDA D. WILLIAMS
LEGAL ASSISTANT

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410

ATLANTA GA 30303

{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHANA ST. #102
HONOLULU HI 96815

{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822

{Hard Copy - Regular Mail}

David A. M. Ware, Esq.
Ware/Gasparian
3850 N. Causeway Blvd.
Suite 555
METAIRIE LA 70002

{Hard Copy - Regular Mail}

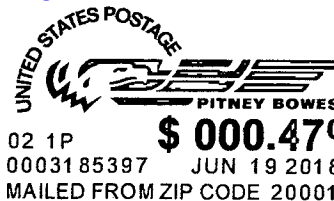
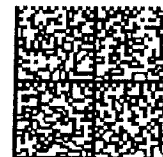
U.S. Department of Labor

Case 1:18-cv-00502-JAO-KJM Document 80 Filed 01/07/21 Page 265 of 283 PageID #: 1685

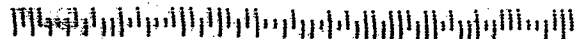
Office of Administrative Law Judges
Suite 400 North
800 K Street, N.W.
Washington, D.C. 20001-8002

Official Business
Penalty for private use, \$300

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303



3193331578 CD27



000265



UNIVERSITY
of HAWAII®
MĀNOA

John A. Burns School of Medicine
Office of the Dean
Office of Medical Education

651 Ilalo Street, Medical Education Building, Room 307
Honolulu, Hawai'i 96813-5534
An Equal Opportunity/Affirmative Action Institution

June 25, 2018

The Most Honorable Chief Judge Stephen Henley Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400N
Washington, DC 20001 '8002

RECEIVED
JUN 27 2018
FBI
HONOLULU
HAWAII

RE: ORDER GRANTING EMPLOYER LEAVE TO RESUBMIT OCTOBER 19, 2012 BRIEF
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

Dear Sir/Madam,

On June 19, 2018, The most honorable Stephen Henley, Chief Judge and Chair of BALCA, published an "Order Granting Employer Leave to Resubmit October 19, 2012 Brief". On the same day, Mr. Kevin Koll, through email correspondence, also forwarded a "status update" from Associate Chief Judge Almanza in which among other things, indicated that, in the interest of efficiency, BALCA is requesting we provide a copy of the October 19, 2012 brief.

The alien, Ms. Hsiao forwarded the electronic copy on June 19, 2018 and Mr. Koll has acknowledged receipt of the aforementioned brief. In the interest of efficiency and fastidiousness, attached is a hard copy of the brief.

Please do not hesitate to contact me if you have any questions.

A handwritten signature in black ink, appearing to read "Jill SM Omori".

Jill SM Omori, MD
Associate Professor of Family Medicine and Community Health
Director, Office of Medical Education
Director, Hawaii H.O.M.E. Project

John A. Burns School of Medicine, University of Hawaii
651 Ilalo Street, MEB 307L
Honolulu, Hawaii 96813

000267

earthismart

FedEx carbon-neutral
envelope shipping

Align top of FedEx Express® shipping label here.

After printing this label:

Align bottom of peel and stick airbill or pouch here.

From: (504) 830-5900
David M. Janklow
Ware | Casparian
3850 N Causeway Blvd, Suite 555
Metairie, LA 70002

Origin ID: MSYA



41201207 50005

SHIP TO: (504) 830-5900

BILL SENDER

Counsel for Litigation
U.S. DOL, Office of the Solicitor
200 Constitution Avenue, NW
Room N-2101, FPB
Washington, DC 20210

Ship Date: 18OCT12
ActWgt: 1.0 LB
CAD: 860257/INET13300

Delivery Address Bar Code

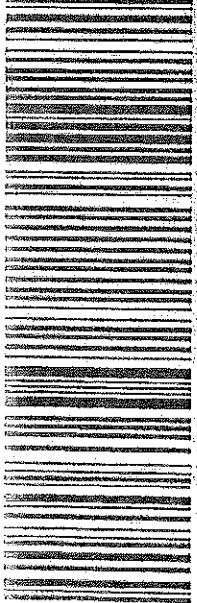


Ref # DJ 12625
Invoice #
PO #
Dept #

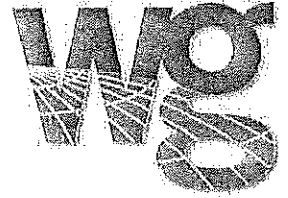
TRK# 7992 3075 4907
0201

FRI - 19 OCT A2
PRIORITY OVERNIGHT

XC TSGA
20210
DC-US
DCA



515518C09A44



WARE | GASPARIAN

Immigration and Nationality Law

October 18, 2012

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210

MAIN OFFICE
3850 N. Causeway Blvd., Suite 555
Metairie, LA 70002-1752

PH: (800) 537-0179
(504) 830-5900
F: (504) 830-5909

info@david-ware.com
www.david-ware.com

RE: LEGAL BRIEF

BALCA Case Number: 2012-PER-02131

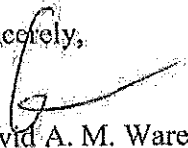
ETA Case Number: A-10344-38244

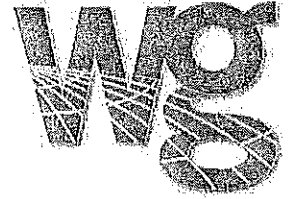
In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

Dear Sir/Madam,

Enclosed please find a copy of the Legal Brief timely filed with the Board of Alien Labor Certification Appeals.

Sincerely,


David A. M. Ware
Counsel for applicant appellant



WARE | GASPARIAN

Immigration and Nationality Law

October 18, 2012

U.S. Department of Labor
Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

MAIN OFFICE
3850 N. Causeway Blvd., Suite 555
Metairie, LA 70002-1752

PH: (800) 537-0179
(504) 830-5900
F: (504) 830-5909

RE: LEGAL BRIEF
BALCA Case Number: 2012-PER-02131
ETA Case Number: A-10344-38244
In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

info@david-ware.com
www.david-ware.com

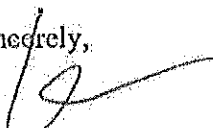
Dear Sir/Madam,

Enclosed please find the legal brief filed in connection with the above-referenced case. The legal brief is timely filed as it has been submitted within 45 days of the September 7, 2012 Notice and Order.

As I am making an entry of appearance after the case has been docketed before BALCA, please find enclosed an executed Form G-28.

Please contact me if you require any additional information.

Sincerely,


David A. M. Ware
Attorney at Law

OMB No. 1615-0105; Expires 04/30/2012

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:

- ☐ USCIS - List the form number(s): _____ ☐ CBP - List the specific matter in which appearance is entered: _____
- ☐ ICE - List the specific matter in which appearance is entered: _____

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. **NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent				
Name: Last	First	Middle	A Number or Receipt Number, if any	<input type="checkbox"/> Petitioner <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent
Jenis R. Hedges, Dean and Professor of Medicine University of Hawaii at Manoa, John A. Burns School of Medicine				
Address: Street Number and Street Name		Apt. No.	City	State Zip Code
651 Ilalo Street, Medical Education Bldg.			Honolulu	Hawaii 96813

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USCBP, or USICE.

Signature of Petitioner, Applicant, or Respondent

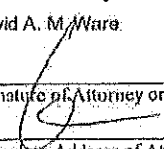
Date
OCT - 5 2012

Part 2. Information about Attorney or Accredited Representative (Check applicable item(s) below)

- A. ☒ I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: Louisiana
- I am not ☒ or ☐ am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).
- B. ☐ I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation: _____
- C. ☐ I am associated with _____
- The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2, whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative David A. M. Ware		Attorney Bar Number(s), if any LA13239
Signature of Attorney or Accredited Representative 		Date 10/18/2012
Complete Address of Attorney or Organization of Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code) Ware/Gasparian 3850 N. Causeway Blvd., Ste. 555, Metairie, LA 70002		
Phone Number (Include area code) 504-830-5900	Fax Number, if any (Include area code) 504-830-5909	E-Mail Address, if any dware@david-ware.com

Form G-28 (Rev. 04/22/09)N

**DEPARTMENT OF LABOR
BOARD OF ALIEN LABOR CERTIFICATION APPEALS**

In the Matter of	*	Request for Review
	*	
Permanent Labor Certification Application of	*	
	*	
University of Hawaii	*	BALCA Case Number 2012-PER-02131
	*	
On behalf of	*	
	*	
Hsiao, Ya-Wen	*	ETA Case Number A-10344-38244

Brief in Support of Request for Review

Please accept this brief in support of our request for review of the denial of the above-referenced Application for Permanent Employment Certification. The Notice of Docketing is dated September 7, 2012 so this legal brief is timely filed.

We respectfully request that you review the denial of the labor certification and, pursuant, to 20 CFR § 656.27(c)(2), direct the Certifying Officer to grant certification, or in your discretion, remand the case to the CO for further processing.

I. Summary of the Facts

The Application for Permanent Employment Certification filed by the University of Hawaii (hereinafter "the employer") on behalf of Ms. Ya-Wen Hsiao (hereinafter "Ms. Hsiao") was accepted for processing on January 13, 2011. (AF at 1). On January 18, 2011, the Atlanta National Processing Center (hereinafter "ANPC") issued an Audit Notification (AF at 136). On February 16, 2011, the employer's response to the Audit Notification was timely delivered to the

Department of Labor. (AF at 37). On February 28, 2012, the ANPC issued a notification seeking a signed statement from the employer indicating whether it would like to proceed with the processing of the application along with a copy of the complete, original response as submitted on February 16, 2011. *Id.* The employer replied with the appropriate documents on March 1, 2012. (AF at 35).

On March 23, 2012, the ANPC denied the labor certification. (AF at 32). The reasons for denial were, as specified by the Certifying Officer, that (1) the employer failed to provide adequate documentation of the additional recruitment steps for professional occupations by not providing dated copies of the pages from the site that advertised the job opportunity and (2) the documentation provided by the employer as proof of the employer's website offered terms and conditions of employment that were less favorable than those offered to the foreign worker. *Id.*

On April 13, 2012, the employer filed a request for reconsideration with the ANPC. (AF at 3). In response, on April 30, 2012 the ANPC notified the employer that it chose not to reconsider the decision to deny the application and forwarded the permanent labor certification file to the Board of Alien Labor Certification Appeals (hereinafter "you" or "the Board"). (AF at 1).

On September 7, 2012, you issued a *Notice of Docketing and Order Requiring Submission of Statement of Intent to Proceed*. The employer responded to the notice on September 14, 2012, and informed you that a separate *Statement of Position/Legal Brief* would be submitted within 45 days of the notice.

II. The employer provided adequate documentation to satisfy 20 CFR § 656.17(c)(1)(ii)(B).

- a. The evidence submitted in the employer's request for reconsideration in connection with Denial Reason #1 was considered by the Certifying Officer, as evidenced in the April 30, 2012 denial notification, and may be considered by the Board.

The documentation the employer provided in its request for reconsideration in connection with Denial Reason #1 is part of the record forwarded to the Board and may be considered by the Board in its review of the denial of labor certification. The Board "...must review a denial of labor certification...on the basis of the record upon which the decision was made..." 20 CFR § 656.27(c). When the CO considers documentation submitted by the employer on reconsideration, it becomes part of the record and may be considered by the Board on review. *See Hellmuth Obata + Kassabaum, Inc.*, 2011-PER-00240 (Dec. 14, 2011) (citing to *Waffle House Inc.*, 2010-PER-799 (Dec. 15, 2010); *Kamlainc d/b/a Comfort Inn & Suites*, 2010-PER-616 (Dec. 27, 2010).

On March 23, 2012, the CO denied labor certification, in part, because "[t]he employer failed to provide adequate documentation..." of the use of the employer's website. (AF at 7). It further stated, "[t]he document [submitted] does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website." *Id.* In its request for reconsideration, the employer included a dated printout of the employer's website posting sufficient to establish that it was properly posted as documented at Section I.d.15 of ETA Form 9089. (AF at 9-11). The website posting submitted in the request for reconsideration was considered by the CO as, in the denial of reconsideration and in connection with the second

reason for denial, it is stated that the "...advertisement on the employer's website contained a wage less than the offered wage as listed on the ETA Form 9089." (AF at 1-2). This statement of the CO is a concession, after considering the evidence submitted in response to the audit notification and the request for reconsideration, that the advertisement was posted.

b. The evidence submitted in the employer's response to the audit notification and in its request for reconsideration satisfied 20 CFR 656.17(e)(1)(ii)(B).

The employer's response to the audit notification and its request for reconsideration contained evidence clearly adequate to document, under 20 CFR § 656.17(e)(1)(ii)(B), that the position of Information Technology Specialist (hereinafter "IT Specialist") was advertised on the employer's website from August 2, 2010 through September 4, 2010.

The CO improperly applied 20 CFR 656.17(e)(1)(ii)(B), as he/she interpreted the regulation as to only provide one method of documenting use of the employer's website as an additional recruitment step. 20 CFR 656.17(e)(1)(ii)(B) states, "[t]he use of the employer's Web site as a recruitment medium can be documented by providing dated copies from the site that advertise the occupation involved in the application." The regulation does not "preclude an employer from providing documentation of the advertisement posted on its website in a manner other than by submitting dated printouts of the website advertisement." *Matter of EZCHIP, Inc.* 2010-PER-00120 (Jan. 12, 2001).

In connection with the documentation the employer submitted in its response to the audit notification, the CO states:

The document does not appear to be from a website, nor is there any proof that the documentation was posted to the employer's website. The employer failed to provide dated copies of the pages from the site that advertised the job opportunity.

(AF at 7)

Clearly, the CO's narrow interpretation of 20 CFR § 656.17(e)(1)(ii)(B) is not in conformity with the interpretation held by the Board in *Matter of EZCHIP, Inc.* 2010-PER-00120 (BALCA 2010). As a result, the documentation submitted in the employer's response to the audit notification, alone, was sufficient to satisfy 20 CFR § 656.17(e)(1)(ii)(B). (AF at 77-80).

Furthermore, the documentation submitted by the employer in its request for reconsideration and considered by the CO further establishes that the employer complied with 20 CFR § 656.17(e)(1)(ii)(B).

The documentation submitted was sufficient to demonstrate that the employer posted the advertisement for the position of IT Specialist on its website, as specified in Item I.d.15 of ETA form 9089.

IV. The employer's website did not contain wages or terms and conditions of employment that were less favorable than those offered to the alien.

The employer's website did not contain a wage that was less favorable than the wage offered to the alien. When the wage offered to the alien is greater than the wage advertised due to experience the alien has acquired while the job, the difference cannot form the basis for finding that U.S. workers were offered a wage less favorable than the one offered to the alien. See *Matter of University of North Carolina*, 90-INA-422 (Jun. 9, 1992). While the employer's

website advertised a wage of \$44,208 and Section G.1 of Form ETA 9089 states the offered wage was \$57,194, U.S. workers were not offered a less favorable wage.

The present matter is analogous to *Matter of North Carolina*. In *Matter of North Carolina*, the advertised salary was \$23,100 and the salary offered to the alien at the time of filing was \$30,000, "due to normal merit increases while working for the Employer in the position offered for several years." *Id.* at 2-3. The Board held that the "no less favorable than offered the alien" language of 656.21(g)(8) requires the employer to advertise a wage offer that is no less than the alien's wage when initially hired in order to match the value of the minimum requirements. *Id.* at 5-6. As a result, the employer is advertising a wage that matches the value of the minimum requirements and not the experience and training gained with the employer, which U.S. workers are not required to possess. *Id.* at 5.

As applied to the present matter before the Board, the wage advertised on the employer's website reflected the minimum salary for the position of IT Specialist, as determined by the Collective Bargaining Agreement (hereinafter "CBA") in place between the University of Hawaii and the Hawaii Government Employees Association. This was acknowledged by the Department of Labor when it issued its prevailing wage determination (hereinafter "PWD"). The DOL, citing to the CBA as the prevailing wage source, determined the prevailing wage to be \$44,208 (AF at 66). After the employer's *bona fide* recruitment for the position of IT Specialist and after determining that no U.S. workers were able, willing, qualified, and available for the position, it offered the position to Ms. Hsiao. Thereafter, the employer determined that the appropriate salary to offer Ms. Hsiao, based on her several years of experience and qualifications

and using the IT Salary Matrix found at page 15 of the record, was \$57,194. Subsequently, the employer posted its Notice of Filing and listed the wage offered to the alien, Ms. Hsiao, of \$57,194 and included it at Section G.1 of Form ETA 9089.

The Board's discussion of *Matter of North Carolina* in *Matter of Sensus Metering Systems*, 2010-PER-00849 (Jul. 20, 2011) is consistent with the position of the employer. The Board, in *Matter of Sensus Metering* only limited the application of *Matter of North Carolina* to situations in which the employer lists a lower wage on the Notice of Filing than the wage listed at Section G.1 of Form ETA 9089. The Board's decision to shield the Notice of Filing from the holding of *Matter of North Carolina* was necessary in light of 656.10(d)(4). The regulation reads:

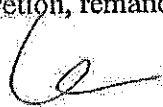
If an application is filed under §656.17, the notice must contain the information required for advertisements by §656.17(f), must state the rate of pay (which must equal or exceed the prevailing wage entered by the SWA on the prevailing wage request form), and must contain the information required by paragraph (d)(3) of this section. (emphasis added).

In this case, *Matter of Sensus Metering* is inapplicable because the employer's Notice of Filing properly listed the alien's rate of pay of \$57,194 per year and this is the same wage listed at Section G.1 of Form ETA 9089.

Consistent with the Board's decision in *Matter of North Carolina*, the employer's website did not contain wages or terms and conditions of employment that were less favorable than those offered to the alien.

V. Conclusion

For these reasons, we respectfully request that the ETA-9089 Application for Permanent Employment Certification filed by the University of Hawaii on behalf of Ms. Hsiao be certified, or in your discretion, remanded to the CO for further processing.



David A. M. Ware
Attorney at Law



Date

SERVICE SHEET

Case Name: University of Hawaii

Case Number: 2012-PER-02131

Document Title: LEGAL BRIEF

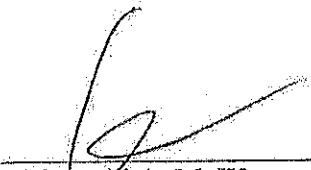
BALCA Case Number: 2012-PER-02131

ETA Case Number: A-10344-38244

In the Matter of University of Hawaii, Employer on behalf of Ya-Wen Hsiao, Alien

I hereby certify that a copy of the above-referenced document was sent to the following this 18 day of October, 2012 by FedEx Overnight.

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210
{Hard Copy – FedEx Overnight}



David A. M. Ware
Counsel for applicant appellant

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 20 August 2018

BALCA Case No: 2012-PER-02131
ETA Case No: A-10344-38244

In the Matter of:

UNIVERSITY OF HAWAII,
Employer,

on behalf of,

HSIAO, YA-WEN,
Alien.

ORDER DENYING EMPLOYER'S PRO SE
MOTION FOR RELIEF FROM JUDGMENT AND ORDER

A three-judge panel of the Board of Alien Labor Certification Appeals ("BALCA") issued a decision and order ("D&O") affirming denial of certification in this matter on November 16, 2016. The D&O included the following notice regarding en banc review:

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within twenty days from the date of service a party petitions for en banc review by the Board. Such review is not favored and ordinarily will not be granted except (1) when en banc consideration is necessary to secure or maintain uniformity of the Board's decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

Chief Docket Clerk
Office of Administrative Law Judges
Board of Alien Labor Certification Appeals
800 K Street, NW Suite 400N
Washington, DC 20001-8002

Copies of the petition must also be served on other parties and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting en banc review with supporting authority, if any, and shall not exceed ten double-spaced pages. Responses, if any,

shall be filed within ten days of service of the petition, and shall not exceed ten double-spaced pages. Upon the granting of a petition the Board may order briefs.

D&O at 9 (emphasis in original).

On December 5, 2016, BALCA received a petition for en banc review filed on behalf of the University of Hawai'i. The en banc review procedures in effect at that time were as follows:

- a. Who may request that BALCA hear/rehear a case en banc?
 - i. Before issuing a decision, a three-judge panel may *sua sponte* call for a matter to be heard en banc if at least two judges on the panel agree that (1) en banc consideration is necessary to secure or maintain uniformity of the Board's decisions; or (2) the proceeding involves a question of exceptional importance. In making such a suggestion, the panel will write a short statement explaining why the matter merits en banc review and forward the case to the Deputy Secretary to BALCA (Deputy Secretary). The Deputy Secretary will circulate the panel's statement in support of en banc review for a vote in accordance with the procedures outlined in section b.
 - ii. After a three-judge panel has issued a decision, a party to the case may file a petition for en banc rehearing on the grounds that (1) en banc consideration is necessary to secure or maintain uniformity of the Board's decisions; or (2) the proceeding involves a question of exceptional importance. Upon receipt of such a petition, the Deputy Secretary will circulate it for a vote in accordance with the procedures outlined in section b.
- b. "En Banc" Hearing Before Limited En Banc Panels
 - i. Calls for en banc hearings and petitions for en banc rehearings will be evaluated by a panel of nine administrative law judges comprised of the Associate Chief Administrative Law Judge for Immigration and eight additional judges selected at random from the group of judges appointed to BALCA to review PERM appeals under 20 C.F.R. part 656.
 - ii. Upon receipt of a call or petition for en banc review, the Deputy Secretary will circulate an email to the nine-judge panel and request a vote on whether the matter should be heard or reheard en banc. A matter will only be heard or reheard en banc if, within two weeks of the date on which the email is circulated, a majority of the judges on the nine-judge panel vote to hear or rehear the matter en banc.
 - iii. If a majority of the judges on the nine-judge panel to whom the call or petition is circulated vote to hear or rehear the matter en banc, then the matter will be heard or reheard en banc and the same nine-judge panel will preside over the en banc hearing or rehearing.

In accordance with these procedures, District Chief Administrative Law Judges Geraghty and Romero and Administrative Law Judges Price, Barto, Kennington, Calianos, Rosen, and Rosenow were selected at random to review the petition. The position of Associate Chief Administrative Law Judge for Immigration was vacant at the time the Employer filed its petition. Therefore, I served as the ninth judge in my capacity as the chair of BALCA. Two judges affirmatively voted to deny the petition. The remaining seven did not record a vote. Because en banc review required the affirmative support of a majority of the nine-judge panel, and no judge voted for en banc review, on March 29, 2017, BALCA issued an order denying the Employer's petition.

On June 17, 2017, the Employer filed a Pro Se Motion for Relief from Judgment and Order ("Motion to Reopen").¹ In its motion, the Employer requests that I "vacate both orders and . . . assign the instant case to a different panel to review the case with a new review and impartial view." Motion to Reopen at 5. The Employer advances four arguments for why a new en banc panel is necessary.

First, the Employer contends that the en banc review procedures in effect at the time it filed its December 5, 2016 petition were not publicly accessible and that it "would have changed the legal strategy in appealing the instant case" if it had notice of the operative procedures. *Id.* at 2. According to the Employer, it drafted its petition for en banc review with the understanding that an older version of the procedures, which contemplated a five-judge panel rather than a nine-judge panel, were still in effect. According to the Employer, if it "knew that the possibility of En Banc review has dramatically changed, the whole strategy of how to proceed with the appeals would have been different. In particular, the employer would have considered to initially request a motion for reconsideration within ten days of the original three judge panel order (80 Federal Register 28767, 29 CFR 18.93)." *Id.*

Second, the Employer argues that the nine-judge panel failed to adequately consider the petition for en banc review because BALCA's March 29, 2017 order did not contain any discussion or analysis and instead appeared to be "boilerplate." *Id.* at 1, 3. In support of its argument, the Employer cites to three orders denying en banc review that contained varying degrees of substantive analysis.²

Third, the Employer argues that en banc review is necessary to maintain uniformity of decisions. *Id.* at 3.

¹ After the Employer filed its Motion to Reopen, the case file was inadvertently transferred to the Atlanta National Processing Center ("ANPC"). BALCA retained possession of the Motion to Reopen as well as electronic copies of the file's substantive documents but for the Employer's brief filed on October 19, 2012. While BALCA requested that the ANPC transfer the file back, in the interest of efficiency, I issued an order on June 19, 2018 affording the Employer an opportunity to resubmit the brief. The Employer provided a copy of the brief on June 28, 2018. Therefore, my adjudication of the Employer's Motion to Reopen is based on a review of all substantive documents in the case file.

² *Amazon Global Resources*, 2011-PER-02476 (May 13, 2013) (Order Denying En Banc Review); *Benish Corporation*, 2011-PER-00510 (October 18, 2012) (Order Denying En Banc Review); *PJ Clarke's on the Hudson*, 2010-PER-00064 (Apr. 5, 2011) (Order Denying En Banc Review).

Fourth, the Employer argues that “[t]he original decision and order had factual and adjudicative errors which were clearly not typographical errors.” *Id.*

The Employer’s arguments are unavailing. First, the D&O provided the Employer with adequate notice of the en banc review procedures. The D&O contained the deadline for filing a petition and the standard BALCA applied when deciding whether to grant en banc review. That the Employer believed a five-judge panel would review its petition rather than a nine-judge panel is not so material as to alter the Employer’s “whole strategy.” Furthermore, the only change in strategy the Employer states it would have made was to file its petition within ten days of the D&O’s issuance.³ However, as stated in the D&O, the Employer had twenty days from the date of service in which to request en banc review. The Employer timely filed a petition within that period. Filing earlier would have had no bearing on the Employer’s petition. Second, there is no regulatory or procedural requirement that an order denying en banc review contain substantive analysis of an employer’s arguments. While prior panels have occasionally provided some level of explanation for why en banc review was being denied, that does not mean every panel must always provide an explanation. Finally, the Employer argued in its December 5, 2016 petition that en banc review was necessary to maintain uniformity of decisions and to correct material errors of fact and law in the D&O. Those arguments were presented to a nine-judge panel in accordance with BALCA’s procedures. No judge voted in favor of en banc review. The Employer may not raise those arguments again in an attempt to re-open the en banc review process. Accordingly, the Employer’s motion is **DENIED** and this case remains **CLOSED**.

SO ORDERED.

Stephen R. Henley
Chief Administrative Law Judge
and
Chair of the Board of Alien Labor
Certification Appeals

³ The authority cited by the Employer is not relevant. The Federal Register entry at 80 Fed. Reg. 28767 is a request for information by the Internal Revenue Service regarding Form 5452, Corporate Report of Nondividend Distributions. The regulation at 29 C.F.R. § 18.93 sets forth the procedures for filing a motion for reconsideration with the Office of Administrative Law Judges (“OALJ”). While BALCA is housed within OALJ, the procedural regulations at 29 C.F.R. Part 18, Subpart A only apply to BALCA proceedings when the labor certification regulations and internal BALCA policies do not provide guidance on specific procedural matters. *See Sunnyvale School District*, 2014-PER-00620 (June 22, 2017). In this case, the D&O provided the Employer with notice that it had twenty days to file a petition for en banc review. Thus, the Employer was under no obligation to satisfy the ten day deadline set forth at 29 C.F.R. § 18.93.